

OFFICIAL JOURNAL  
OF THE  
**SENATE**  
OF THE  
STATE OF LOUISIANA

**TWELFTH DAY'S PROCEEDINGS**

**Thirtieth Regular Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Wednesday, April 21, 2004

The Senate was called to order at 1:30 o'clock P.M., by Hon.  
Donald E. Hines, President of the Senate.

**ROLL CALL**

The roll being called, the following members answered to their  
names:

**PRESENT**

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Dupre	Kostelka	
Total—38		

**ABSENT**

Duplessis  
Total—1

The President of the Senate announced there were 38 Senators  
present and a quorum.

**Prayer**

The prayer was offered by Rev. Chris Witt, following which the  
Senate joined in pledging allegiance to the flag of the United States of  
America.

**Reading of the Journal**

On motion of Senator Kostelka, the reading of the Journal was  
dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Introduction of Resolutions,  
Senate and Concurrent**

Senator Bajoie asked for and obtained a suspension of the rules  
for the purpose of introducing and reading the following Resolutions,  
Senate and Concurrent, a first and second time and acting upon them  
as follows:

**SENATE RESOLUTION NO. 37—**

BY SENATORS HAINKEL AND SCHEDLER  
A RESOLUTION

To commend and congratulate the Fontainebleau High School Lady  
Bulldogs Soccer team for winning the 2004 Division I State  
Championship.

On motion of Senator Hainkel, the resolution was read by title  
and adopted.

**Petitions, Memorials and  
Communications**

The following petitions, memorials and communications were  
received and read:

**STATE OF LOUISIANA**  
Office of the Governor

April 19, 2004

To the Honorable President of the Senate:

Please be advised that the following individuals have been  
commissioned as Notaries Public for the parishes indicated 03-08-04  
through 04-09-04. In compliance with Article IV, Section 5(H)(3) of  
the Louisiana Constitution of 1974, I hereby present them for your  
review.

Appreciatively,  
**KATHLEEN BABINEAUX BLANCO**  
Governor

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### **Senate Bills and Joint Resolutions on Second Reading to be Referred**

The following Senate Bills and Joint Resolutions were read and referred to committees as follows:

#### **SENATE BILL NO. 803— BY SENATOR ADLEY**

AN ACT

To amend and reenact R.S. 33:4574.1-A(A)(3) and to enact R.S. 33:2716.1 and R.S. 47:337.10(I), relative to the occupancy tax on hotel rooms, motel rooms, and overnight camping facilities; to limit the levy of the tax to a certain portion of the price charged for a package; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

#### **SENATE BILL NO. 804— BY SENATOR ADLEY**

AN ACT

To amend and reenact R.S. 33:2345(E), relative to training of municipal police chiefs; to provide an exception for a police chief who has served as a law enforcement officer in the state for at least thirty years; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

#### **SENATE BILL NO. 805— BY SENATOR ADLEY**

AN ACT

To enact R.S. 13:3881(A)(6), relative to general exemptions from seizure; to provide that federal earned income tax credit of a debtor shall be exempt from seizure; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

#### **SENATE BILL NO. 807— BY SENATOR HINES**

AN ACT

To amend and reenact R.S. 36:10, relative to the salary of certain elected officials; to provide for the salary of the statewide elected officials; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

#### **SENATE BILL NO. 808— BY SENATOR HINES**

AN ACT

To enact R.S. 40:1300.143(3)(d), relative to the rural hospital preservation act; to require certification by the Rural Hospital Coalition, Inc., as a prerequisite to being designated as a rural hospital; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

#### **SENATE BILL NO. 809— BY SENATOR HEITMEIER**

AN ACT

To amend and reenact the introductory paragraph of R.S. 47:820.5(B)(2)(b), relative to the Crescent City Connection; to provide relative to the use of certain revenues; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

#### **SENATE BILL NO. 810— BY SENATOR FONTENOT**

AN ACT

To enact R.S. 33:2721.14, relative to sales and use taxes; to authorize certain parishes to increase sales and use taxes; to provide for voter approval; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

### **Senator Bajoie in the Chair**

#### **SENATE BILL NO. 811— BY SENATOR SMITH**

AN ACT

To amend and reenact R.S. 36:511 and 801.1(D) and R.S. 38:2337 and to enact R.S. 36:511.1 and R.S. 38:2325(C), relative to the public contracts; to provide for the application of public bid and contract and procurement activities by certain state agencies; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**SENATE BILL NO. 812—**

BY SENATOR DARDENNE

AN ACT

To enact Chapter 5 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:351 through 395 and R.S. 46:769(D)(7), relative to state and statewide retirement systems; to create the Louisiana Board of Pension Administration and the Public Employees' Retirement System of Louisiana; to provide with respect to membership, creditable service, benefits, administration, management and expenditure of funds, methods of funding and financing, and cost-of-living adjustments for said system; to provide for an effective date; to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**SENATE BILL NO. 813—**

BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 11:515(3), 826, and 1303, relative to certain consolidated public retirement systems; to require approval of the annual operating budgets of certain consolidated public retirement systems by the Joint Legislative Committee on the Budget; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**SENATE BILL NO. 814—**

BY SENATOR SCHEDLER

AN ACT

To amend and reenact Part XIII of Chapter 4 of Title 40 of Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1058.1 through 1058.10, relative to substance abuse/addiction; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

**SENATE BILL NO. 815—**

BY SENATOR SCHEDLER

AN ACT

To enact R.S. 36:259(II) and Chapter 59 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3651 through 3663, relative to the certification of employee assistance professionals; to provide for definitions; to create the Board of Certified Employee Assistance Professionals; to provide for authority of the board; to provide for professional certification requirements; to provide for operation of the board; to provide for procedures for disciplinary action; to provide for confidentiality of records; to provide for protection for the practice of other professions; to provide for prohibited acts and penalties; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

**SENATE BILL NO. 816—**

BY SENATOR DUPLESSIS

AN ACT

To enact R.S. 15:574.4(L), relative to parole; to provide relative to educational and skills requirements for parolees prior to release; to provide relative to decisions of the Board of Parole; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

**SENATE BILL NO. 817—**

BY SENATOR DUPLESSIS

AN ACT

To enact R.S. 26:74(E) and 274(F), relative to alcoholic beverages; to authorize the governing authority of any municipality or parish operating under a home rule charter and having the same boundaries as a local school board to require the certain licenses for persons involved in the dispensing, selling, and serving of alcoholic beverages; to authorize the levy of fees for such permits; to authorize the use of revenue therefrom to provide funds for teacher salary supplements; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

**SENATE BILL NO. 818—**

BY SENATOR DUPLESSIS (By Request)

AN ACT

To amend and reenact R.S. 13:1312(D), relative to the Judicial Expense Fund of the Civil District Court for the Parish of Orleans; to provide for the housing of the Juvenile Court in the new courthouse or at a separate facility; to delete the prohibition against raising additional fees and the requirement that additional funds be derived from other noncourt cost-related sources for the costs and planning of the new courthouse; to provide that the Joint Legislative Committee on the Budget shall review, rather than approve, the plans and costs of the new courthouse; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

**SENATE BILL NO. 819—**

BY SENATOR MARIONNEAUX

AN ACT

To enact R.S. 51:922.1, relative to the department of economic development; to require any person, firm, or corporation receiving direct equity investment from the state to post a bond or other security; to allow the department to promulgate rules and regulations; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and International Affairs.

**SENATE BILL NO. 820—**

BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 27:25(E), relative to hearings conducted by the Louisiana Gaming Control Board Hearing Office; to provide that the decision of a hearing officer on any dispute

shall not be appealable by the state; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

**SENATE BILL NO. 821—**  
BY SENATOR BAJOIE

AN ACT

To enact R.S. 36:259(II) and 919.7 and Chapter 46-A of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2616 through 2618, relative to diabetes; to create the Louisiana Diabetes Initiatives Council in the Department of Health and Hospitals; to provide for the membership, powers, and duties of the board; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

**SENATE BILL NO. 822—**  
BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 32:661(A)(2)(b), relative to toxicology screens on victims of all traffic fatalities; to provide for the use of the most current scientific testing available to determine content of alcohol at the time of death; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

**SENATE BILL NO. 823—**  
BY SENATOR MCPHERSON

AN ACT

To enact R.S. 32:387(C)(3)(h), relative to annual special permits for the operation of specified vehicles; to provide for expansion of overweight limits for particular domestic products; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**SENATE BILL NO. 824—**  
BY SENATOR BARHAM

AN ACT

To amend and reenact R.S. 11:1307.1(B)(2)(a) and (b), relative to the State Police Pension and Retirement System; to provide with respect to benefits, including, but not limited to, the amount of service time used to calculate members benefits; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**SENATE BILL NO. 825—**  
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 47:337.2(C)(5) and to enact Part G of Chapter 2-D of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be composed of R.S. 47:337.91 through 337.100, relative to the sales and use tax of political subdivisions; to create the Uniform Local Sales Tax Procedure

Act; to provide a procedure for the adoption of certain regulations of local tax authorities; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**SENATE BILL NO. 826—**  
BY SENATOR JACKSON

AN ACT

To enact R.S. 40:5.12, relative to public health; to provide for the creation of an advisory board to establish a standard school health form; to provide for members of the advisory board; to provide for duties of the advisory board; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

**SENATE BILL NO. 827—**  
BY SENATOR HOLDEN

AN ACT

To amend and reenact R.S. 29:381, 385(A) and (C) and 386 and R.S. 36:781(B), relative to the Department of Veterans' Affairs; to provide for the operation of health care facilities by the Department of Veterans' Affairs; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

**SENATE BILL NO. 828—**  
BY SENATOR HOLDEN

AN ACT

To enact R.S. 28:381(48), (49), (50), and (51) and Part VII of Chapter 4 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:450 through 453, relative to the compensation of community direct service workers; to provide for a study request on the elimination of the disparity between the compensation of those workers and comparable workers; to provide for definitions, rules, and administration; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

**SENATE BILL NO. 829—**  
BY SENATORS THEUNISSEN AND MOUNT  
AN ACT

To enact R.S. 11:413(15)(a), (b), and (c), relative to the Louisiana State Employees' Retirement System; to provide with respect to membership in the Louisiana State Employees' Retirement System for any political subdivision created by state law with a parish wide jurisdiction in a parish with a population of not less than one hundred eighty thousand or more than one hundred eighty-five thousand according to the latest federal decennial census; to provide that employees of any political subdivision created by state law with a parish wide jurisdiction in a parish with a population of not less than one hundred eighty thousand or more than one hundred eighty-five thousand according to the latest federal decennial census shall not be eligible to become members of the Louisiana State Employees' Retirement System;



to provide with respect to employee and employer contributions; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**SENATE BILL NO. 830—**  
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 40:384(1) and to enact R.S. 40:382(16), 384(29), (30), (31) and (32), and 490(D), relative to housing; to provide for findings and purposes; to provide for definitions; to provide with respect to mixed finance projects; to provide for exemptions; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

**SENATE BILL NO. 831—**  
BY SENATOR ELLINGTON

AN ACT

To authorize and provide for the sale and transfer of certain state property from the Department of Transportation and Development to the town of Winnsboro in Franklin Parish; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**SENATE BILL NO. 832—**  
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 17:28(A), 435(A)(1), 436(B)(1), and 436.1(B)(3) and (4), relative to school health services; to provide for inclusion of registered nurses employed through a contract between the school board and a private entity; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

**SENATE BILL NO. 833—**  
BY SENATOR MARIONNEAUX

AN ACT

To enact Code of Civil Procedure Art. 2124(F), relative to civil procedure; to provide relative to the appellate procedure; to require the imposition of a security bond in any appeal proceeding; to provide for the amount of such bond; to require the loss of bond if appeal is unsuccessful; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

**SENATE BILL NO. 834—**  
BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 26:351 and other provisions of Title 26 of the Louisiana Revised Statutes of 1950, relative to distilled spirits; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

**SENATE BILL NO. 835—**

BY SENATOR BOISSIERE

AN ACT

To enact R.S. 11:269, relative to state and statewide public retirement or pension systems, funds and plans; to require consultants and money managers to disclose relationships; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**SENATE BILL NO. 836—**

BY SENATOR CAIN AND REPRESENTATIVE HEBERT

AN ACT

To amend and reenact the introductory paragraph of R.S. 22:250.19(B) and R.S. 22:250.19(B)(1) and to enact R.S. 22:250.19(B)(4) relative to property and casualty insurance; to provide for payment of benefits to victims of domestic violence; to prohibit certain conduct by insurers related to domestic violence; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Insurance.

**SENATE BILL NO. 837—**

BY SENATOR CAIN

AN ACT

To amend and reenact 40:1379.3(T)(1) relative to concealed weapons, to provide for reciprocity with other states which have concealed weapons laws; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

**SENATE BILL NO. 838—**

BY SENATOR CAIN

AN ACT

To amend and reenact R.S. 40:1574(I), (J) and (K), and to enact R.S. 40:1574(L), relative to the authority of the state fire marshal regarding building codes; to provide for an appeal of a decision of the state fire marshal; to require any hearing be held in the parish in which the appellant resides; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

**SENATE BILL NO. 839—**

BY SENATOR JACKSON

AN ACT

To enact R.S. 33:2740.38, and to repeal Act No. 573 of the 1975 Regular Session, Act No. 554 of the 1978 Regular Session, Act No. 411 of the 1980 Regular Session, Act No. 163 of the 1984 Regular Session, and Act No. 265 of the 2003 Regular Session, relative to the Shreveport Downtown Development District; to codify certain existing laws governing the creation and powers, duties, functions, and responsibilities of the Shreveport Downtown Development District; to provide for the composition and powers of the governing board; to provide for

preparation of plans; to provide for the levy of ad valorem taxes and the issuance of bonds; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

**SENATE BILL NO. 840—**  
BY SENATOR JACKSON

AN ACT

To enact R.S. 40:1300.163(F), relative to hepatitis C education; to encourage educational initiatives regarding veterans; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

**SENATE BILL NO. 841—**  
BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 48:250.2(A), (C), and (D), to enact R.S. 48:250.3, and to repeal R.S. 48:250.2(B), relative to contracts let by the Department of Transportation and Development; to provide relative to design-build contracts; to remove certain limitations of the design-build program; to authorize the department to construct certain projects included in the Transportation Infrastructure Model for Economic Development program using the design-build method; to provide relative to procedures regarding the design-build method; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**SENATE BILL NO. 842—**  
BY SENATOR ROMERO

AN ACT

To enact R.S. 48:35.1, relative to the Acadiana Gulf of Mexico Access Channel; to provide relative to duties of the Department of Transportation and Development; to provide relative to the Acadiana Gulf of Mexico Access Channel; to provide certain procedures, terms, and conditions; to authorize certain activities; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Natural Resources.

**SENATE BILL NO. 843—**  
BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 46:285(A)(2) and to enact R.S. 46:285(A)(6), relative to child protection and foster care workers; to provide that such workers shall be trained in specific legal provision; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

**SENATE BILL NO. 844—**  
BY SENATOR FONTENOT

AN ACT

To enact R.S. 42:851.1, relative to health insurance; to authorize reimbursement to public officials for certain health insurance premiums; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Insurance.

**SENATE BILL NO. 845—**  
BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 51:2453(4), relative to the Louisiana Quality Jobs Programs Act; to expand the definition of "new direct job" to include an employer's contractors; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and International Affairs.

**SENATE BILL NO. 846—**  
BY SENATOR CHEEK

AN ACT

To amend and reenact R.S. 23:1123, 1124.1, and 1127(C)(1), relative to workers' compensation; to provide with respect to scope and operation; to provide for disputes as to the physical condition of workers' compensation claimants; to provide for limitation of criminal and civil liability for practitioners selected to provide medical examinations; to provide for release of medical records related to such a medical examination; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Labor and Industrial Relations.

**SENATE BILL NO. 847—**  
BY SENATOR CRAVINS AND REPRESENTATIVE MORRELL

AN ACT

To enact R.S. 38:2212.7, relative to state procurement and the Public Bid Law; to establish the "Best Value Contracting Act" relative to procurement by the state and political subdivisions; to establish an advisory board to establish rules and regulations to implement the Act; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Finance.

**SENATE BILL NO. 848—**  
BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 36:801.1(A) and to enact R.S. 36:4(B)(9) and Chapter 49 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2641 through 2644, relative to public welfare and assistance; to create an office of the child advocate; to provide for the purpose of the office; to provide for the appointment of the child advocate; to provide for the duties and powers of the child advocate; to provide with respect to reporting and confidentiality requirements; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

**SENATE BILL NO. 849—**

BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 13:1952(4)(b) and (c), relative to the City Court of Baton Rouge; to provide for the composition of the election sections; to provide for the number of judges elected from each election section; to provide for the assignment of divisions to each election section; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

**SENATE BILL NO. 850—**

BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 32:771(2)(b) and 773.2(C) and to enact R.S. 32:773.1(A)(2)(q) and 773.2(G), relative to marine dealers; to provide for definitions; to provide for unlawful acts; to provide relative to contractual agreements between marine manufacturers and dealers; to provide for repurchasing; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and International Affairs.

**SENATE BILL NO. 851—**

BY SENATOR NEVERS

AN ACT

To enact R.S. 23:1514.1 relative to the establishment of a program of tuition assistance for students of Louisiana technical colleges and Louisiana community colleges; to provide for program eligibility and award limits; to provide for administration of the program; to provide for funding; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

**SENATE BILL NO. 852—**

BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 14:98 (C)(1), R.S. 32:190(A), and 430(L) and to enact R.S. 32: 295.1(I) and 413.1 and Code of Criminal Procedure Art. 894 (D)(3), relative to driving privileges; to provide for driver's license suspension in certain cases; to require any person to wear a helmet when operating certain motorized vehicles; to provide for a driver violation point system for young drivers; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**SENATE BILL NO. 853—**

BY SENATOR B. GAUTREAUX

AN ACT

To amend and reenact R.S. 56:8(81) and 325.3(B), and to enact R.S. 56:326(A)(4), relative to red drum; to authorize certain commercial taking or landing; to establish a commercial quota for red drum caught; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Natural Resources.

**SENATE BILL NO. 854—**

BY SENATOR BAJOIE

AN ACT

To amend and reenact R.S. 13:1381.5, relative to the administration of criminal justice funds; to enlarge the scope of the purpose of such fund in certain parishes; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

**SENATE BILL NO. 855—**

BY SENATOR BAJOIE

AN ACT

To amend and reenact R.S. 25:841, 842, and 844 and to enact R.S. 25:845 and 846 and R.S. 36:209(Z) and 919.7, relative to the Louisiana Civil Rights Museum; to establish and provide for the Louisiana Civil Rights Museum Board; to provide for the membership, powers, duties, and functions of the board; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

**SENATE BILL NO. 856—**

BY SENATOR HINES AND REPRESENTATIVE HEBERT

AN ACT

To amend and reenact Part IV-D of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:250.31 through 250.39.10, relative to health insurance; to provide for certain the terms and conditions for payment to health care providers by health insurers; to provide for electronic clean claims, recoupment of certain health insurance claim payments; to provide for coordination of benefits and time limits for payments of claims; to provide for violation of claims payments; creates a technical advisory committee on claims processing; prohibits certain charges by certain health care providers; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Insurance.

**SENATE BILL NO. 857—**

BY SENATOR ULLO

AN ACT

To enact Subpart G of Chapter 7 of Title 40 of the Revised Statutes of 1950, comprised of R.S. 40:1663, relative to public health and safety; to provide for licensing standards for the alarm industry and locksmith; to provide for revising such standards; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and International Affairs.

**SENATE BILL NO. 858—**

BY SENATORS KOSTELKA AND MICHOT AND REPRESENTATIVE WALSWORTH

**AN ACT**

To enact R.S. 51:2453(1)(a)(i)(dd), relative to the Louisiana Quality Jobs Program; to provide for participation in the program for certain small Vision 2020 cluster businesses; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and International Affairs.

**SENATE BILL NO. 859—**

BY SENATOR ROMERO

**AN ACT**

To enact R.S. 27:403, relative to the Louisiana Gaming Control Law; to provide with respect to the status of licenses issued in good faith reliance on a survey which was wrong; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

**SENATE BILL NO. 860—**

BY SENATOR FONTENOT

**AN ACT**

To amend and reenact R.S. 30:2418(G), (H)(3) and (4), (I), and (O)(3), relative to waste tires; to provide for fees collected on the sale of tires; to provide for distribution of fees collected; to provide for administration of the waste tire program; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Environmental Quality.

**SENATE BILL NO. 861—**

BY SENATOR N. GAUTREAUX

**AN ACT**

To amend and reenact R.S. 9:315.40(9) and 315.41(A) and to enact R.S. 9:315.40(4)(d), relative to child support; to provide relative to the suspension of licenses for nonpayment of child support; to provide for definitions; to include licenses for the operation of motorboats, sailboats, and trailers in the definition of licenses; to provide for the suspension of such additional licenses; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

**SENATE BILL NO. 862—**

BY SENATOR JACKSON

**AN ACT**

To amend and reenact R.S. 17:1517 and to enact R.S. 17:1516(C), relative to the Louisiana State University and Agricultural and Mechanical College Medical School at Shreveport; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

**SENATE BILL NO. 863—**

BY SENATOR JACKSON

**AN ACT**

To enact Part VIII of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:405.5, relative to smoke-free zones; to provide for the establishment of such zones in certain locations; to provide for penalties; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

**SENATE BILL NO. 864—**

BY SENATOR MCPHERSON

**AN ACT**

To amend and reenact R.S. 33:3815.2(E), relative to powers of waterworks districts; to provide relative to a waterworks district of one parish supplying water to or taking water from an adjoining parish; to provide certain terms, procedures, and conditions; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

**SENATE BILL NO. 865—**

BY SENATOR SCHEDLER

**AN ACT**

To amend and reenact R.S. 40:1071 and to enact R.S. 46:1076.1, relative to hospital service districts; to provide for findings; to provide with respect to joint bargaining and contracting, including immunity from certain antitrust provisions; to provide for applicability; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

**SENATE BILL NO. 866—**

BY SENATOR SCHEDLER AND REPRESENTATIVE WINSTON

**AN ACT**

To enact Code of Criminal Procedure Art. 324(F), relative to courts; to authorize certain courts to accept an administrative deposit with a personal undertaking in lieu of bond in criminal proceedings; to provide for the disbursement of such deposits; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

**SENATE BILL NO. 867—**

BY SENATOR IRONS

**AN ACT**

To enact Subpart B-2 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:243 and 244, relative to public schools and school children; to establish a Safe School Ambassadors pilot program; to provide relative to providing certain training to students; to provide for the nature of the training; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

**SENATE BILL NO. 868—**

BY SENATOR IRONS

AN ACT

To amend and reenact R.S. 47:243(A)(4), 287.93(A)(4), 606(A)(1)(i) and (2)(b), (e), and (f); relative to income and franchise taxation; to provide for allocation of certain income; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**Senate Resolutions  
on Second Reading**

The following Senate Resolutions were read and acted upon as follows:

**SENATE RESOLUTION NO. 35—**

BY SENATOR HAINKEL

A RESOLUTION

To designate May 2004 as American Legion Auxiliary Poppy Month.

On motion of Senator Hainkel, the resolution was read by title and adopted.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE BILLS AND JOINT RESOLUTIONS**

April 21, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 691—**

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 23:215(A), (B), and (D) and to enact R.S. 23:215(E) and (F), relative to the employment of minors; to provide work hours for minors; to provide for written parental consent; to define "school day"; to provide for minors with equivalency diplomas; and to provide for related matters.

**HOUSE BILL NO. 1101—**

BY REPRESENTATIVES ANSARDI, DAMICO, MARTINY, AND WOOTON AND SENATORS BOISSIERE, LENTINI, AND ULLO

AN ACT

To enact R.S. 33:2740.18.2, relative to the hotel occupancy tax; to authorize the Jefferson Parish Council to levy and collect an

additional hotel occupancy tax within Jefferson Parish; to provide for the purposes for which the proceeds of the tax may be used; and to provide for related matters.

**HOUSE BILL NO. 541—**

BY REPRESENTATIVES LAFLEUR AND DORSEY

AN ACT

To enact Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:555 and 556, relative to sexual assault; to create the Louisiana Sexual Assault Task Force; to provide for its membership; to provide for meetings; to provide for duties; to provide for reporting requirements; and to provide for related matters.

**HOUSE BILL NO. 234—**

BY REPRESENTATIVES BRUNEAU AND HEATON

AN ACT

To amend and reenact R.S. 33:9075(B), (D)(1)(a) and (c), and (F)(1)(a), (b), and (d), relative to the Lake Oaks Subdivision Improvement District; to provide for district boundaries the membership of the board of commissioners, the vote of district electors necessary to levy a parcel fee, the maximum amount, the duration, and renewal of such fee, and elections for fee approval and renewal; and to provide for related matters.

**HOUSE BILL NO. 24—**

BY REPRESENTATIVES BRUNEAU AND HEATON

AN ACT

To enact R.S. 33:9091.7, relative to the Lakewood Crime Prevention and Improvement District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

**HOUSE BILL NO. 980—**

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:429 and to repeal R.S. 11:425 through 428, 430, and 431, relative to the purchase of service credit in the Louisiana State Employees' Retirement System; to provide for the purchase of up to five years of service credit in the system; to repeal certain provisions relative to the purchase of service credit; and to provide for related matters.

**HOUSE BILL NO. 235—**

BY REPRESENTATIVE BRUNEAU

AN ACT

To enact R.S. 33:9091.7, relative to the Lakeshore Crime Prevention District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

**HOUSE BILL NO. 478—**

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 3:4602(1) and (13), 4623(A), 4671, and 4684, to enact R.S. 3:4602(1.1), (12.2), (13.1), and (14.1), and to repeal R.S. 3:4672(G), 4674, 4676, 4677, 4687, and 4688,

relative to the regulation of devices for weighing and measuring petroleum products; to exempt petroleum for specified uses from certain fees; to provide relative to penalties for violations of petroleum weights and measures regulations; to repeal regulations applicable to gasoline blended with ethanol or methanol; and to provide for related matters.

**HOUSE BILL NO. 832—**  
BY REPRESENTATIVE SCHNEIDER  
AN ACT

To enact Parts VIII and IX of Chapter 6 of Subtitle III of Title 11, to be comprised of R.S. 11:2151 through 2157, relative to the Registrars of Voters Employees' Retirement System; to provide with respect to qualification of the pension plan and trust of the retirement system under Section 401(a) of the Internal Revenue Code; to provide an effective date; and to provide for related matters.

**HOUSE BILL NO. 978—**  
BY REPRESENTATIVE SCHNEIDER  
AN ACT

To amend and reenact R.S. 11:417, 422(C), 605(B), and 606(B)(2) and to repeal R.S. 11:448(B)(1) and (2), relative to the Louisiana State Employees' Retirement System; to provide relative to continued membership in the system; to provide for the actuarial purchase of service credit; to provide relative to participation in the Deferred Retirement Option Plan; to provide relative to the transfer of service credit; to provide relative to the Deferred Retirement Option Plan relative to public safety services employees; and to provide for related matters.

**HOUSE BILL NO. 820—**  
BY REPRESENTATIVE HUNTER  
AN ACT

To amend and reenact R.S. 23:1294(A)(2)(introductory paragraph) and (3) and to enact R.S. 23:1294(A)(2)(i), relative to workers' compensation; to provide for the chairman of the Workers' Compensation Advisory Council; and to provide for related matters.

**HOUSE BILL NO. 1066—**  
BY REPRESENTATIVES BAYLOR AND K. CARTER  
AN ACT

To amend and reenact R.S. 36:207(A)(4)(a) and R.S. 56:1681(A)(2) and (3), (B)(1), and (C), relative to state parks; to change the appointment process of the assistant secretary of the office of state parks; to change the membership of the State Parks and Recreation Commission; and to provide for related matters.

**HOUSE BILL NO. 693—**  
BY REPRESENTATIVES DAMICO, ANSARDI, MARTINY, TOOMY, TUCKER, AND WOOTON AND SENATORS BOISSIERE, HAINKEL, HEITMEIER, HOLLIS, LENTINI, AND ULLO  
AN ACT

To amend and reenact R.S. 33:9129 and to enact R.S. 33:9108(D), relative to communication districts; to provide with respect to the Jefferson Parish Communication District; to authorize the Jefferson Parish Council to adopt, by ordinance or resolution, provisions of the general law relating to communication districts for the use, benefit, operation, and enhancement of the Jefferson Parish Communication District; to make certain provisions of

general law applicable to the parish, the council, and the district; and to provide for related matters.

**HOUSE BILL NO. 790—**  
BY REPRESENTATIVE HUNTER  
AN ACT

To amend and reenact R.S. 23:1378(E), relative to the second injury fund; to provide for venue of Second Injury Board appeals; and to provide for related matters.

**HOUSE BILL NO. 825—**  
BY REPRESENTATIVE HUNTER  
AN ACT

To amend and reenact R.S. 23:1378(A)(8)(b), relative to the second injury fund; to provide for the submission of requests for settlement approval; and to provide for related matters.

**HOUSE BILL NO. 908—**  
BY REPRESENTATIVE HUNTER  
AN ACT

To repeal R.S. 23:1131, relative to wage records; to repeal provision allowing for the release of earnings records and information of workers' compensation claimants.

**HOUSE BILL NO. 944—**  
BY REPRESENTATIVES SCALISE, BOWLER, ALARIO, ANSARDI, BRUNEAU, LABRUZZO, LANCASTER, MARTINY, AND WOOTON AND SENATORS BOISSIERE, HEITMEIER, HOLLIS, LENTINI, AND ULLO  
AN ACT

To enact R.S. 33:4570.12, relative to naming of public grounds; to name a portion of LaSalle Park in Jefferson Parish as the Oswald-Dubea Arboretum and Nature Center of LaSalle Park; to provide for an exemption from R.S. 14:316; and to provide for related matters.

**HOUSE BILL NO. 964—**  
BY REPRESENTATIVES WHITE, MCVEA, AND HONEY  
AN ACT

To amend and reenact Code of Civil Procedure Article 4843(E)(1) and (H), relative to the jurisdiction of city courts; to increase the jurisdictional amount in dispute in the City Court of Zachary; to increase the jurisdictional amount of a city court with territorial jurisdiction in a city with a certain population; and to provide for related matters.

**HOUSE BILL NO. 979—**  
BY REPRESENTATIVE SCHNEIDER  
AN ACT

To enact R.S. 11:446(F), relative to survivor benefits for the Louisiana State Employees' Retirement System; to provide for a default designated beneficiary and exceptions; to provide for a default joint and survivor benefit; to establish the benefit due a surviving spouse of a deceased member; and to provide for related matters.

**HOUSE BILL NO. 921—**  
BY REPRESENTATIVES BAYLOR AND K. CARTER  
AN ACT

To amend and reenact R.S. 56:1685(B)(1)(w), (C), and (D), to enact R.S. 56:1685(B)(1)(x) and (y), and to repeal R.S. 56:1685(E), relative to the office of state parks; to provide for the classification of holdings; to revise the lists of state historic sites, state parks, and state preservation areas; to remove

recognition of certain special holdings; and to provide for related matters.

**HOUSE BILL NO. 976—**

BY REPRESENTATIVE SCHNEIDER  
AN ACT

To enact R.S. 11:1332, relative to the Louisiana State Police Pension and Retirement System; to authorize the board of trustees to use interest earnings on investments in excess of normal requirements to provide a cost-of-living increase; to provide limitations; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 981—**

BY REPRESENTATIVE SCHNEIDER  
AN ACT

To enact Subpart D of Part IV of Chapter 1 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:491, relative to the Louisiana State Employees' Retirement System; to provide for the collection of benefits paid to a member but not due the member; and to provide for related matters.

**HOUSE BILL NO. 982—**

BY REPRESENTATIVE SCHNEIDER  
AN ACT

To amend and reenact R.S. 11:225, relative to the Louisiana State Employees' Retirement System; to provide for the return to active service by any disability retiree; and to provide for related matters.

**HOUSE BILL NO. 1006—**

BY REPRESENTATIVES SCHNEIDER AND MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:62(introductory paragraph) and (9), relative to employee contribution rates; to authorize the board of trustees of the Sheriffs' Pension and Relief Fund to increase the employee contribution rate in consultation with the fund's actuary; to specify a maximum rate allowable; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1007—**

BY REPRESENTATIVES SCHNEIDER AND MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:2178.1(A), (B), and (C)(4), (5), (8), and (9), relative to the Sheriffs' Pension and Relief Fund; to provide relative to the Back-Deferred Retirement Option Plan; to provide for return of employee contributions; to provide for transfer of employee contributions made during Back-Deferred Retirement Option Plan participation to the member's Back-Deferred Retirement Option Plan account; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1008—**

BY REPRESENTATIVES SCHNEIDER AND MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:2178(M), relative to the Sheriffs' Pension and Relief Fund; to provide a nonrecurring lump-sum benefit if a cost-of-living adjustment is not payable; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1041—**

BY REPRESENTATIVES TUCKER, ARNOLD, BAYLOR, FUTRELL, KATZ, LAMBERT, MARCHAND, AND RITCHIE  
AN ACT

To enact R.S. 33:4734 and 4780.51, relative to municipal and parish zoning; to provide for advance notice of zoning actions to certain military installations; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions  
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

**HOUSE BILL NO. 24—**

BY REPRESENTATIVES BRUNEAU AND HEATON  
AN ACT

To enact R.S. 33:9091.7, relative to the Lakewood Crime Prevention and Improvement District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 234—**

BY REPRESENTATIVES BRUNEAU AND HEATON  
AN ACT

To amend and reenact R.S. 33:9075(B), (D)(1)(a) and (c), and (F)(1)(a), (b), and (d), relative to the Lake Oaks Subdivision Improvement District; to provide for district boundaries the membership of the board of commissioners, the vote of district electors necessary to levy a parcel fee, the maximum amount, the duration, and renewal of such fee, and elections for fee approval and renewal; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 235—**

BY REPRESENTATIVE BRUNEAU  
AN ACT

To enact R.S. 33:9091.7, relative to the Lakeshore Crime Prevention District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 478—**

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 3:4602(1) and (13), 4623(A), 4671, and 4684, to enact R.S. 3:4602(1.1), (12.2), (13.1), and (14.1), and to repeal R.S. 3:4672(G), 4674, 4676, 4677, 4687, and 4688, relative to the regulation of devices for weighing and measuring petroleum products; to exempt petroleum for specified uses from certain fees; to provide relative to penalties for violations of petroleum weights and measures regulations; to repeal regulations applicable to gasoline blended with ethanol or methanol; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 541—**

BY REPRESENTATIVES LAFLEUR AND DORSEY

AN ACT

To enact Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:555 and 556, relative to sexual assault; to create the Louisiana Sexual Assault Task Force; to provide for its membership; to provide for meetings; to provide for duties; to provide for reporting requirements; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 691—**

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 23:215(A), (B), and (D) and to enact R.S. 23:215(E) and (F), relative to the employment of minors; to provide work hours for minors; to provide for written parental consent; to define "school day"; to provide for minors with equivalency diplomas; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 693—**

BY REPRESENTATIVES DAMICO, ANSARDI, MARTINY, TOOMY, TUCKER, AND WOOTON AND SENATORS BOISSIERE, HAINKEL, HEITMEIER, HOLLIS, LENTINI, AND ULLO

AN ACT

To amend and reenact R.S. 33:9129 and to enact R.S. 33:9108(D), relative to communication districts; to provide with respect to the Jefferson Parish Communication District; to authorize the Jefferson Parish Council to adopt, by ordinance or resolution, provisions of the general law relating to communication districts for the use, benefit, operation, and enhancement of the Jefferson Parish Communication District; to make certain provisions of general law applicable to the parish, the council, and the district; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 790—**

BY REPRESENTATIVE HUNTER

AN ACT

To amend and reenact R.S. 23:1378(E), relative to the second injury fund; to provide for venue of Second Injury Board appeals; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 820—**

BY REPRESENTATIVE HUNTER

AN ACT

To amend and reenact R.S. 23:1294(A)(2)(introductory paragraph) and (3) and to enact R.S. 23:1294(A)(2)(i), relative to workers' compensation; to provide for the chairman of the Workers' Compensation Advisory Council; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 825—**

BY REPRESENTATIVE HUNTER

AN ACT

To amend and reenact R.S. 23:1378(A)(8)(b), relative to the second injury fund; to provide for the submission of requests for settlement approval; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 832—**

BY REPRESENTATIVE SCHNEIDER

AN ACT

To enact Parts VIII and IX of Chapter 6 of Subtitle III of Title 11, to be comprised of R.S. 11:2151 through 2157, relative to the Registrars of Voters Employees' Retirement System; to provide with respect to qualification of the pension plan and trust of the retirement system under Section 401(a) of the Internal Revenue Code; to provide an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 908—**

BY REPRESENTATIVE HUNTER

AN ACT

To repeal R.S. 23:1131, relative to wage records; to repeal provision allowing for the release of earnings records and information of workers' compensation claimants.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 921—**

BY REPRESENTATIVES BAYLOR AND K. CARTER

AN ACT

To amend and reenact R.S. 56:1685(B)(1)(w), (C), and (D), to enact R.S. 56:1685(B)(1)(x) and (y), and to repeal R.S. 56:1685(E), relative to the office of state parks; to provide for the classification of holdings; to revise the lists of state historic sites, state parks, and state preservation areas; to remove recognition of certain special holdings; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 944—**

BY REPRESENTATIVES SCALISE, BOWLER, ALARIO, ANSARDI, BRUNEAU, LABRUZZO, LANCASTER, MARTINY, AND WOOTON AND SENATORS BOISSIERE, HEITMEIER, HOLLIS, LENTINI, AND ULLO

AN ACT

To enact R.S. 33:4570.12, relative to naming of public grounds; to name a portion of LaSalle Park in Jefferson Parish as the Oswald-Dubea Arboretum and Nature Center of LaSalle Park;



to provide for an exemption from R.S. 14:316; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 964—**

BY REPRESENTATIVES WHITE, MCVEA, AND HONEY  
AN ACT

To amend and reenact Code of Civil Procedure Article 4843(E)(1) and (H), relative to the jurisdiction of city courts; to increase the jurisdictional amount in dispute in the City Court of Zachary; to increase the jurisdictional amount of a city court with territorial jurisdiction in a city with a certain population; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 976—**

BY REPRESENTATIVE SCHNEIDER  
AN ACT

To enact R.S. 11:1332, relative to the Louisiana State Police Pension and Retirement System; to authorize the board of trustees to use interest earnings on investments in excess of normal requirements to provide a cost-of-living increase; to provide limitations; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 978—**

BY REPRESENTATIVE SCHNEIDER  
AN ACT

To amend and reenact R.S. 11:417, 422(C), 605(B), and 606(B)(2) and to repeal R.S. 11:448(B)(1) and (2), relative to the Louisiana State Employees' Retirement System; to provide relative to continued membership in the system; to provide for the actuarial purchase of service credit; to provide relative to participation in the Deferred Retirement Option Plan; to provide relative to the transfer of service credit; to provide relative to the Deferred Retirement Option Plan relative to public safety services employees; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 979—**

BY REPRESENTATIVE SCHNEIDER  
AN ACT

To enact R.S. 11:446(F), relative to survivor benefits for the Louisiana State Employees' Retirement System; to provide for a default designated beneficiary and exceptions; to provide for a default joint and survivor benefit; to establish the benefit due a surviving spouse of a deceased member; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 980—**

BY REPRESENTATIVE SCHNEIDER  
AN ACT

To amend and reenact R.S. 11:429 and to repeal R.S. 11:425 through 428, 430, and 431, relative to the purchase of service credit in the Louisiana State Employees' Retirement System; to provide

for the purchase of up to five years of service credit in the system; to repeal certain provisions relative to the purchase of service credit; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 981—**

BY REPRESENTATIVE SCHNEIDER  
AN ACT

To enact Subpart D of Part IV of Chapter 1 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:491, relative to the Louisiana State Employees' Retirement System; to provide for the collection of benefits paid to a member but not due the member; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 982—**

BY REPRESENTATIVE SCHNEIDER  
AN ACT

To amend and reenact R.S. 11:225, relative to the Louisiana State Employees' Retirement System; to provide for the return to active service by any disability retiree; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1006—**

BY REPRESENTATIVES SCHNEIDER AND MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:62(introductory paragraph) and (9), relative to employee contribution rates; to authorize the board of trustees of the Sheriffs' Pension and Relief Fund to increase the employee contribution rate in consultation with the fund's actuary; to specify a maximum rate allowable; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1007—**

BY REPRESENTATIVES SCHNEIDER AND MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:2178.1(A), (B), and (C)(4), (5), (8), and (9), relative to the Sheriffs' Pension and Relief Fund; to provide relative to the Back-Deferred Retirement Option Plan; to provide for return of employee contributions; to provide for transfer of employee contributions made during Back-Deferred Retirement Option Plan participation to the member's Back-Deferred Retirement Option Plan account; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1008—**

BY REPRESENTATIVES SCHNEIDER AND MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:2178(M), relative to the Sheriffs' Pension and Relief Fund; to provide a nonrecurring lump-sum benefit if a cost-of-living adjustment is not payable; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1041—**

BY REPRESENTATIVES TUCKER, ARNOLD, BAYLOR, FUTRELL,  
KATZ, LAMBERT, MARCHAND, AND RITCHIE

**AN ACT**

To enact R.S. 33:4734 and 4780.51, relative to municipal and parish zoning; to provide for advance notice of zoning actions to certain military installations; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1066—**

BY REPRESENTATIVES BAYLOR AND K. CARTER

**AN ACT**

To amend and reenact R.S. 36:207(A)(4)(a) and R.S. 56:1681(A)(2) and (3), (B)(1), and (C), relative to state parks; to change the appointment process of the assistant secretary of the office of state parks; to change the membership of the State Parks and Recreation Commission; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1101—**

BY REPRESENTATIVES ANSARDI, DAMICO, MARTINY, AND  
WOOTON AND SENATORS BOISSIERE, LENTINI, AND ULLO

**AN ACT**

To enact R.S. 33:2740.18.2, relative to the hotel occupancy tax; to authorize the Jefferson Parish Council to levy and collect an additional hotel occupancy tax within Jefferson Parish; to provide for the purposes for which the proceeds of the tax may be used; and to provide for related matters.

The bill was read by title; lies over under the rules.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE CONCURRENT RESOLUTIONS**

April 21, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 42—**

BY REPRESENTATIVE SHEPHERD

**A CONCURRENT RESOLUTION**

To urge and request the office of family support, support enforcement services, Department of Social Services to study all aspects relating to the treatment of subsequent children in child support awards and make specific recommendations for legislation.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**House Concurrent Resolutions  
on First Reading**

The following House Concurrent Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

**HOUSE CONCURRENT RESOLUTION NO. 42—**

BY REPRESENTATIVE SHEPHERD

**A CONCURRENT RESOLUTION**

To urge and request the office of family support, support enforcement services, Department of Social Services to study all aspects relating to the treatment of subsequent children in child support awards and make specific recommendations for legislation.

The resolution was read by title; lies over under the rules.

**House Bills and Joint Resolutions  
on Second Reading to be Referred**

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

**HOUSE BILL NO. 15—**

BY REPRESENTATIVE TOWNSEND

**AN ACT**

To amend and reenact R.S. 13:2111, relative to the City Court of Natchitoches; to authorize the transfer of surplus funds or unclaimed fees from the court's civil fee account to the court's judicial expense account; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 58—**

BY REPRESENTATIVE TRICHE

**AN ACT**

To provide with respect to the Early Retirement and Payroll Reduction Act; to provide for a reduction in state employment and for early retirement of members of the Louisiana State Employees' Retirement System, including but not limited to provisions for eligibility, retirement benefits, restrictions on hiring of new employees, abolition of vacated positions, reductions in appropriated funds, and funding; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 93—**

BY REPRESENTATIVES STRAIN, BALDONE, BRUCE, LAFLEUR,  
T. POWELL, ROMERO, SCALISE, SCHNEIDER, WHITE, AND  
WOOTON AND SENATOR NEVERS

**AN ACT**

To amend and reenact R.S. 15:574.2(B), relative to parole; to provide with respect to the parole of offenders convicted of certain offenses against a peace officer; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

**HOUSE BILL NO. 103—**

BY REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 13:782(A)(1)(introductory paragraph) and (e) and to enact R.S. 13:782(A)(1)(f), relative to annual compensation of clerks of court; to provide for alternative population data for establishing the maximum compensation rate; to provide the maximum compensation rates in certain parishes; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 373—**

BY REPRESENTATIVE SCHNEIDER  
AN ACT

To amend and reenact R.S. 11:185(C), relative to state and statewide retirement systems; to provide for definitions; to provide for changes to the educational requirements for the boards of trustees of the systems; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 510—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To enact R.S. 18:1505.2(Q), relative to campaign contribution limits; to provide for certain limitations on contributions to candidates and political committees participating in the election of the commissioner of insurance from certain legal persons under the jurisdiction of the Department of Insurance; to provide for certain limitations on contributions to candidates and political committees participating in the election of a public service commissioner from certain legal persons under the jurisdiction of the Public Service Commission; to prohibit such persons from compelling or coercing contributions from others; to provide for penalties for persons who violate these provisions; and to prohibit candidates and political committees participating in the election of a public service commissioner or the commissioner of insurance from accepting contributions in violation of these provisions; to prohibit such candidates and political committees from compelling or coercing contributions from others; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

**HOUSE BILL NO. 857—**

BY REPRESENTATIVE WALKER  
AN ACT

To amend and reenact R.S. 37:3447(A)(5), relative to vocational rehabilitation counselors; to provide for licensure requirements; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

**HOUSE BILL NO. 1319—**

BY REPRESENTATIVE TRICHE  
AN ACT

To amend and reenact R.S. 56:6(30), relative to private ownership of certain animals; to authorize the secretary to promulgate rules and regulations to prohibit exotic big cats such as tigers, lions, leopards, and jaguars from being imported or privately owned; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Natural Resources.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**COMMERCE, CONSUMER PROTECTION AND  
INTERNATIONAL AFFAIRS**

Senator Hollis, Chairman on behalf of the Committee on Commerce, Consumer Protection and International Affairs, submitted the following report:

April 21, 2004

To the President and Members of the Senate:

I am directed by your Committee on Commerce, Consumer Protection and International Affairs to submit the following report:

**SENATE BILL NO. 132—**

BY SENATOR HOLLIS  
AN ACT

To amend and reenact R.S. 37:2805(B)(1)(f) and (g), and (E), and 2808 and to repeal R.S. 37:2805(G), relative to chiropractors; to provide for certain licensure requirements; to provide for reciprocity licenses; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 137—**

BY SENATOR FIELDS  
AN ACT

To enact R.S. 51:1421(D), relative to deceptive and unfair trade practices; to require the Department of Economic Development to provide certain notices to retail businesses; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 372—**

BY SENATOR THEUNISSEN  
AN ACT

To amend and reenact R.S. 6:969.6(8), relative to the Louisiana Motor Vehicle Finance Act; to provide for the definition of a consumer loan; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 374—**  
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 6:965(C)(3) and (4), and 966, and to enact R.S. 6:965(C)(5) and (6), and 966.1, relative to additional default remedies; to provide for definitions; to provide for procedures for taking possession of collateral upon default; to provide for repossession licenses; to provide for the payment of certain fees by the secured party; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 768—**  
BY SENATOR HOLLIS

AN ACT

To enact R.S. 6:966.1, relative to additional default remedies; to provide for a notice of repossession; to provide for contents; to provide for fees; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
KEN HOLLIS  
Chairman

**Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

**SENATE BILL NO. 62—**  
BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 15:574.20(A), relative to parole; to provide with respect to medical parole; to require medical parole consideration of inmates determined to be permanently incapacitated or terminally ill; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 62 by Senator Fields

AMENDMENT NO. 1

On page 1, line 4, delete "permanently incapacitated or"

AMENDMENT NO. 2

On page 1, line 11, delete "**and**"

AMENDMENT NO. 3

On page 1, line 12, delete "'(1) **and**'"

AMENDMENT NO. 4

On page 1, line 15, change "is awaiting execution" to "~~is awaiting execution~~ **has been sentenced to death**"

On motion of Senator Marionneaux, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 148—**  
BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 3:3654(E)(5) and (7), relative to security devices affecting farm products; to provide relative to financing statements for farm products; to provide certain requirements for the amendment and expiration of such statements; and to provide for related matters.

Reported with amendments by the Committee on Agriculture, Forestry, Aquaculture and Rural Development.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development to Original Senate Bill No. 148 by Senator Ellington

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 3:3654(E)(5) and (7)" to "R.S. 3:3654(E)(4) and (6), as amended by Act No. 1232 of the 2003 Regular Session, and to enact R.S. 3:3656(A)(3)"

AMENDMENT NO. 2

On page 1, line 4, before "certain" insert "relative to"

AMENDMENT NO. 3

On page 1, line 7, change "R.S. 3:3654(E)(5) and (7)" to "R.S. 3:3654(E)(4) and (6), as amended by Act No. 1232 of the 2003 Regular Session,"

AMENDMENT NO. 4

On page 1, line 14, change "(5)" to "(4)" and delete "within three months," and "signed,"

AMENDMENT NO. 5

On page 1, line 17, change "(7)" to "(6)" and on page 2, line 1 change "signed, authorized," to "**authorized**"

AMENDMENT NO. 6

On page 2, between lines 4 and 5, insert the following: "Section 2. R.S. 3:3656(A)(3) is hereby enacted to read as follows:

3656. Filing, amendment, assignment, partial release, termination, and cancellation of security devices and effective financing statements; effectiveness against third parties

A.(1) \* \* \*

**R.S. 3:3656(A)(3) is all proposed new law.**

(3) The signature of the debtor or of the secured party is not required for filing any effective financing statement, amendment statement, continuation statement, assignment, release, termination statement, or other similar statement filed.

\* \* \*

AMENDMENT NO. 7

On page 2, delete lines 5 and 6

On motion of Senator Smith, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 186—**  
BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 9:4502 (A)(1), relative to privileges on movables; to provide relative to the privilege for making or repairing movable goods; to provide relative to marine vessels, trailers, and equipment; to provide for remedy for debt due on such items; and to provide for related matters

Reported favorably by the Committee on Judiciary A. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 199—**  
BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 52:5, relative to jurisdiction over land sited in the state but under custody of the United States; to remove the sunset provision for entering into written agreements to cede concurrent jurisdiction to the United States; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. On motion of Senator Marionneaux, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 342—**  
BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 27:302(E), relative to the Video Draw Poker Devices Control Law; to remove mandatory requirement that devices accept coins in the amount of the minimum wager offered by that device; to remove mandatory requirement that a video draw poker device provide one game for each coin of the minimum denomination deposited in that machine; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. On motion of Senator Marionneaux, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 344—**  
BY SENATORS SMITH AND MICHOT  
AN ACT

To amend and reenact R.S. 9:315.8(E)(2), relative to child support; to provide relative to joint custody of a child; to provide relative to child support obligation in such circumstances; to require a credit on such obligation under certain circumstances; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 344 by Senator Smith

AMENDMENT NO. 1

On page 1, line 14, after "days" delete the remainder of the line and insert "**but less than one hundred twenty days,** the court may"

AMENDMENT NO. 2

On page 1, line 15, after the word and period "obligation." and before "A day" insert "**If under a joint custody order, the person ordered to pay child support has physical custody of the child for one hundred twenty days or more, the court shall order a credit to the child support obligation.**"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 357—**  
BY SENATOR CHEEK

AN ACT

To enact R.S. 27:325 and to repeal R.S. 27:307(E), relative to the Video Draw Poker Devices Control Law; to authorize certain advertising by video draw poker licensees; to authorize the promotion of the play of video draw poker devices; to repeal advertising restrictions on the outside of video draw poker establishments; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 357 by Senator Cheek

AMENDMENT NO. 1

On page 2, line 1, change "in any manner" to "by offering complimentary food or beverages to be consumed on the premises"

On motion of Senator Marionneaux, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 381—**  
BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 40:1299.41(A)(16), relative to medical malpractice; to provide relative to the Patient's Compensation Fund; to include students being trained as paramedics under the coverage of such fund; to provide for the definition of "ambulance service"; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 381 by Senator Lentini

AMENDMENT NO. 1

On page 2, line 3, after "**qualified**" insert "**emergency medical services**"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 437—**  
BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 13:4291(A), (B)(1), and (C), relative to execution; to provide with respect to child support payments; to provide for judgments for such payments; to provide for the initiation of prescription on certain child support judgements; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 445—**  
BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 9:315.40(2), relative to child support; to provide relative to the administrative suspension of certain licenses; to provide for definitions; to provide for periodic payments for arrearages; to provide for compliance with an order of support; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 445 by Senator Jackson

**AMENDMENT NO. 1**

On page 1, at the end of line 3, delete "to provide"

**AMENDMENT NO. 2**

On page 1, at the beginning of line 4, delete "for periodic payments for arrearages;"

**AMENDMENT NO. 3**

On page 1, line 15, after the comma ",", delete the remainder of the line

**AMENDMENT NO. 4**

On page 1, delete line 16

**AMENDMENT NO. 5**

On page 1, at the beginning of line 17, delete "amount due under the ongoing support order."

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 550—**  
BY SENATOR IRONS

AN ACT

To amend and reenact R.S. 3:2364(B)(1), (2), and (3) and to enact R.S. 3:2364(D)(6), (7), and (8), relative to the Louisiana Animal Welfare Commission; to provide for the funding, membership, and duties of the commission; and to provide for related matters.

Reported with amendments by the Committee on Agriculture, Forestry, Aquaculture and Rural Development.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development to Original Senate Bill No. 550 by Senator Irons

**AMENDMENT NO. 1**

On page 1, line 2, change "R.S. 3:2364(B)(1), (2), and (3)" to "R.S. 3:2364(B)(1) and (3)"

**AMENDMENT NO. 2**

On page 1, line 7, change "R.S. 3:2364(B)(1), (2), and (3)" to "R.S. 3:2364(B)(1) and (3)"

**AMENDMENT NO. 3**

On page 1, delete line 17 and insert in lieu thereof  
" \* \* \*

**AMENDMENT NO. 4**

On page 2, delete lines 1 through 9

On motion of Senator Smith, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 570—**  
BY SENATOR CHAISSON

AN ACT

To amend and reenact Code of Evidence Article 801(D)(1)(a), relative to evidence; to provide when prior inconsistent statements are not hearsay; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 570 by Senator Chaisson

**AMENDMENT NO. 1**

On page 1, line 14, change "Inconsistent" to "In a criminal case, inconsistent"

On motion of Senator Chaisson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 635—**  
BY SENATOR BARHAM

AN ACT

To enact R.S. 35:18, relative to notaries public; to provide for a one-year period of prescription for filing of malpractice actions against notaries; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 635 by Senator Barham

AMENDMENT NO. 1

On page 1, line 3, after the semicolon, insert "to provide for remedial application of provisions; to provide for a final date for the filing of certain actions; to provide for exceptions to the preemptive period in cases of fraud;"

AMENDMENT NO. 2

On page 1, delete lines 9 through 13 in their entirety and insert in lieu thereof the following:

"A. No action for damages against any notary public duly commissioned in any parish of this state, any partnership of such notaries public, or any professional corporation, company, organization, association, enterprise, or other commercial business or professional combination authorized by the laws of this state to engage in the functions of a notary public, whether based upon tort, or breach of contract, or otherwise, arising out of an engagement to provide notarial services shall be brought unless filed in a court of competent jurisdiction and proper venue within one year from the date of the alleged act, omission, or neglect, or within one year from the date that the alleged act, omission, or neglect is discovered or should have been discovered; however, even as to actions filed within one year from the date of such discovery, in all events such actions shall be filed at the latest within three years from the date of the alleged act, omission, or neglect.

B. The provisions of this Section are remedial and apply to all causes of action without regard to the date when the alleged act, omission, or neglect occurred. However, with respect to any alleged act, omission, or neglect occurring prior to July 1, 2004, actions must, in all events, be filed in a court of competent jurisdiction and proper venue on or before July 1, 2007, without regard to the date of discovery of the alleged act, omission, or neglect. The one-year and three-year periods of limitation provided in Subsection A of this Section are preemptive periods within the meaning of Civil Code Article 3458 and, in accordance with Civil Code Article 3461, may not be renounced, interrupted, or suspended.

C. Notwithstanding any other law to the contrary, in all actions brought in this state against any notaries duly commissioned in this state, any partnership of such notaries public, or any professional corporation, company, organization, association, enterprise, or other commercial business or professional combination authorized by the laws of this state to engage in the functions of a notary public, the prescriptive and preemptive period shall be governed exclusively by this Section.

D. The provisions of this Section shall apply to all persons whether or not infirm or under disability of any kind and including minors and interdicts.

E. The preemptive period provided in Subsection A of this Section shall not apply in cases of fraud, as defined in Civil Code Article 1953."

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

### **Senate Bills and Joint Resolutions on Second Reading**

The following Senate Bills and Joint Resolutions were taken up and acted upon as follows:

### **SENATE BILL NO. 806 (Substitute for Senate Bill No. 158 by Senator Dupre)—**

BY SENATOR DUPRE

#### **A JOINT RESOLUTION**

Proposing to amend Section 20(A) of Article VII of the Constitution of Louisiana, relative to the homestead exemption from ad valorem property taxes; to provide persons eligible for the homestead exemption and for the valuation of land which is the homestead; to provide for the homestead exemption for homesteads owned in indivision and for fields in which there is timber; to provide for the application of the exemption to the surviving spouse, testamentary or irrevocable trusts, usufructuaries, and to property occupied by a buyer under a bond for deed contract under certain conditions; to prohibit more than one exemption for any person; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

On motion of Senator Mount, the bill was read by title and ordered engrossed and passed to a third reading.

### **House Bills and Joint Resolutions on Second Reading Reported by Committees**

The following House Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

### **HOUSE BILL NO. 65—**

BY REPRESENTATIVE HILL

#### **AN ACT**

To amend and reenact R.S. 3:2133, relative to the prevention of contagious or communicable diseases in animals; to provide for penalties for improper disposal of certain animal carcasses or failure to restrain certain animals; and to provide for related matters.

Reported favorably by the Committee on Agriculture, Forestry, Aquaculture and Rural Development. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

### **Senate Bills and Joint Resolutions on Third Reading and Final Passage**

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

### **SENATE BILL NO. 2—**

BY SENATORS MCPHERSON, CAIN, B. GAUTREAUX, N. GAUTREAUX, MALONE, MICHOT AND ROMERO

#### **A JOINT RESOLUTION**

Proposing to add Article I, Section 27 of the Constitution of Louisiana, relative to the declaration of rights; to preserve the freedom to hunt, fish, and trap, subject to regulation, restriction, or prohibition imposed pursuant to law; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

The bill was read by title. Senator McPherson moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Heitmeier	Nevers
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Irons	Smith
Cheek	Jackson	Theunissen
Dardenne	Kostelka	Ullo
Dupre	Lentini	
Ellington	Malone	
Total—34		

**NAYS**

Total—0

**ABSENT**

Mr. President	Duplessis	Jones
Cravins	Hainkel	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 12—**

BY SENATOR THEUNISSEN

**AN ACT**

To amend and reenact R.S. 48:1002(A), relative to ferries; to provide for the period of appropriation of state funds for operation and maintenance of the Monkey Island Ferry located in Cameron Parish; and to provide for related matters.

The bill was read by title. Senator Theunissen moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Heitmeier	Nevers
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Dupre	Lentini	Ullo

Total—33

**NAYS**

Total—0

**ABSENT**

Chaisson	Duplessis	Jones
Cheek	Hainkel	Kostelka
Total—6		

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 15—**

BY SENATORS DUPRE, B. GAUTREAUX, N. GAUTREAUX, MCPHERSON AND ROMERO

**AN ACT**

To amend and reenact R.S. 56:326(F)(1), relative to size and possession limits of commercial fish; to provide for an affirmative defense for undersized crab violations; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Heitmeier	Nevers
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Irons	Smith
Cravins	Jackson	Theunissen

Dardenne	Kostelka	Ullo
Dupre	Lentini	
Total—35		

**NAYS**

Total—0

**ABSENT**

Cheek	Hainkel
Duplessis	Jones
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Mr. President in the Chair**



**SENATE BILL NO. 30—**  
BY SENATOR DUPRE

## AN ACT

To amend and reenact R.S. 32:407(A)(2) and (3), relative to driver's licenses; to increase the time required for possession of a learner's permit prior to obtaining an intermediate license in certain circumstances; to provide for exceptions; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

## YEAS

Mr. President	Fields	Malone
Adley	Fontenot	Marionneaux
Amedee	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Dupre	Kostelka	Ullo
Ellington	Lentini	
Total—35		

## NAYS

Total—0

## ABSENT

Bajoie	Duplessis
Cheek	Jones
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Senator Hollis in the Chair****SENATE BILL NO. 41—**  
BY SENATOR MCPHERSON

## AN ACT

To enact Part V-A of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:115, relative to the settlement of claims by the state; to provide for notification to the Joint Legislative Committee on the Budget of certain claims in which the state has an interest; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

## YEAS

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Dupre	Lentini	
Total—35		

## NAYS

Total—0

## ABSENT

Bajoie	Jones
Duplessis	Kostelka
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 67—**

BY SENATOR MCPHERSON AND REPRESENTATIVE FARRAR  
AN ACT

To enact Part III-H of Title 19 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 19:138 through 138.7, relative to expropriation by municipal corporations; to authorize the city of Pineville to expropriate certain properties for the Susek Drive Project; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

## YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Heitmeier	Schedler
Chaisson	Holden	Smith
Cheek	Hollis	Theunissen
Cravins	Irons	Ullo

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## 12th DAY'S PROCEEDINGS

Dardenne  
Total—35

Jackson  
NAYS

Total—0

ABSENT

Duplessis  
Jones  
Total—4

Kostelka  
Malone

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### SENATE BILL NO. 72—

BY SENATOR MCPHERSON

AN ACT

To enact Part V-A of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:115, relative to claims against the state; to provide for notification to the Joint Legislative Committee on the Budget of certain claims against the state; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

YEAS

Mr. President  
Adley  
Amedee  
Bajoie  
Barham  
Boissiere  
Cain  
Chaisson  
Cheek  
Cravins  
Dardenne  
Total—33

Dupre  
Ellington  
Fields  
Fontenot  
Gautreaux, B  
Gautreaux, N  
Hainkel  
Holden  
Hollis  
Irons  
Jackson  
Lentini  
Malone  
Marionneaux  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Theunissen  
Ullo

NAYS

Total—0

ABSENT

Boasso  
Duplessis  
Total—6

Heitmeier  
Jones  
Kostelka  
Nevers

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### SENATE BILL NO. 105—

BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 56:2(D), relative to wildlife and fisheries; to provide relative to the Wildlife and Fisheries Commission; to provide for the elections of the chairman and vice-chairman; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

YEAS

Mr. President  
Adley  
Amedee  
Bajoie  
Barham  
Boissiere  
Cain  
Chaisson  
Cheek  
Cravins  
Dardenne  
Dupre  
Total—34

Ellington  
Fields  
Fontenot  
Gautreaux, B  
Gautreaux, N  
Hainkel  
Holden  
Hollis  
Irons  
Jackson  
Lentini  
Malone  
Marionneaux  
McPherson  
Michot  
Mount  
Nevers  
Romero  
Schedler  
Smith  
Theunissen  
Ullo

NAYS

Total—0

ABSENT

Boasso  
Duplessis  
Total—5

Heitmeier  
Jones  
Kostelka

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### SENATE BILL NO. 118—

BY SENATORS MCPHERSON AND N. GAUTREAUX

AN ACT

To amend and reenact the introductory paragraph of R.S. 36:801 and to enact R.S. 36:610(J) and Subpart I-1 of Part I of Chapter 2 of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:799.1 through 799.4, relative to the White Lake Property Fund; to create the White Lake Property Fund in the state treasury as a fund within the Louisiana Wildlife and Fisheries Conservation Fund; to provide for deposits of monies into the fund; to provide for investment and uses of monies in the fund; to create the White Lake Property Advisory Board; to provide for its domicile, membership, and duties; to authorize the board to solicit and accept donations; to provide for an effective date; and to provide for related matters.

### Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 118 by Senator McPherson

**AMENDMENT NO. 1**

On page 3, line 27, change "constitution" to "Constitution of Louisiana"

On motion of Senator Lentini, the amendments were adopted.

**Floor Amendments Sent Up**

Senator McPherson sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator McPherson to Engrossed Senate Bill No. 118 by Senator McPherson

**AMENDMENT NO. 1**

On page 6, line 8, after "compensation" insert ", and shall not be eligible to engage in the taking of fish and game resources or other recreational activities on the White Lake properties at times and places when these activities are not also available to the general public"

On motion of Senator McPherson, the amendments were adopted.

The bill was read by title. Senator McPherson moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux, B	Nevers
Boasso	Gautreaux, N	Romero
Boissiere	Heitmeier	Schedler
Cain	Holden	Smith
Chaisson	Hollis	Theunissen
Cheek	Jackson	Ullo
Cravins	Lentini	
Dardenne	Malone	
Total—34		

**NAYS**

Total—0

**ABSENT**

Duplessis	Irons	Kostelka
Hainkel	Jones	
Total—5		

The Chair declared the amended bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 138—**

BY SENATOR SCHEDLER

**AN ACT**

To enact R.S. 13:2575.2, relative to administrative adjudication procedures and judicial reviews of code violations in the parish of St. Tammany; to provide additional administrative adjudication procedures in St. Tammany Parish; to provide additional judicial review procedures in St. Tammany Parish; and to provide for related matters.

On motion of Senator Schedler, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 288—**

BY SENATOR SCHEDLER

**AN ACT**

To enact R.S. 47:322.37(B)(3), relative to the St. Tammany Parish Tourist and Convention Commission; to provide for the distribution of certain funds appropriated to the commission; to provide for an effective date; and to provide for related matters.

On motion of Senator Schedler, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 291—**

BY SENATOR MOUNT

**AN ACT**

To amend and reenact R.S. 32:5, relative to traffic control at parade events; to provide for the authority of certain parade marshals to direct, control, or regulate traffic at parade events; and to provide for related matters.

On motion of Senator Mount, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 340—**

BY SENATOR CHAISSON

**AN ACT**

To amend and reenact R.S. 56:1855(L), relative to scenic rivers; to provide relative to certain environmental remediation activities on Bayou Trepagnier; and to provide for related matters.

The bill was read by title. Senator Chaisson moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Hainkel	Romero

Boissiere	Holden	Schedler
Cain	Hollis	Smith
Chaisson	Irons	Theunissen
Cheek	Jackson	Ullo
Dardenne	Kostelka	
Dupre	Lentini	
Total—34		

NAYS

Total—0

ABSENT

Cravins	Heitmeier	Nevers
Duplessis	Jones	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 358—**  
BY SENATOR BAJOE

AN ACT

To amend and reenact R.S. 19:136, 136.1(1), (3), and (4)(d), 136.2(B), 136.3(2) and (3)(a), 136.6 through 136.8, 136.9(B), and 136.11, to enact R.S. 19:136.12, and to repeal R.S. 19:136.1(4)(e) and 136.10, relative to the expropriation of blighted or abandoned property by the city of New Orleans; to provide for the applicability to redemptive periods; to provide relative to the definition of "abandoned property"; to provide for notice to the owner; to provide for substantial rehabilitation and the payment of taxes and liens; to provide for the contents and notice of the petition for expropriation; to provide relative to the answer and opposition to the petition and for the waiver of defenses; to provide for the cancellation of inscriptions; to provide for the sale or transfer of expropriated property to third persons; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 363—**  
BY SENATOR HOLDEN

AN ACT

To release the city of Baker School Board from certain obligations owed by the school board to the state of Louisiana; to release and discharge the city of Baker School Board from the interest owed to the state; to provide for a repayment schedule; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Holden moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Irons
Adley	Dupre	Jackson
Amedee	Fields	Jones

Bajoie	Fontenot	Marionneaux
Boissiere	Gautreaux, B	McPherson
Cheek	Heitmeier	Ullo
Cravins	Holden	
Total—20		

NAYS

Barham	Hollis	Nevers
Boasso	Kostelka	Romero
Chaisson	Lentini	Smith
Ellington	Malone	Theunissen
Gautreaux, N	Michot	
Hainkel	Mount	
Total—16		

ABSENT

Cain	Duplessis	Schedler
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Holden moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 375—**  
BY SENATOR MARIONNEAUX

AN ACT

To enact R.S. 56:115.1, relative to the definition of a legal buck deer; to provide for uniformity in regulations as to size and number of antlers which an antlered buck deer must possess in order to be legally taken; to provide for exceptions; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Marionneaux sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Marionneaux to Engrossed Senate Bill No. 375 by Senator Marionneaux

**AMENDMENT NO. 1**

On page 1, delete line 10 and insert the following: "A. Notwithstanding any other provision of law to the contrary, as of March 1, 2005, rules and"

**AMENDMENT NO. 2**

On page 1, delete lines 13 through 17 and insert the following: "of antlers which an antlered buck must possess in order to be legally taken. Exceptions to uniformity shall require an act of the legislature. For the 2004-2005 deer hunting season, antlered buck deer hunters in West Baton Rouge, Pointe Coupee, and Iberville parishes, including wildlife management areas and that part of the Sherburne Wildlife Management area in St. Martin parish shall be authorized to shoot only size six point or better. The provisions of this Subsection shall not apply to hunters under the age of sixteen.

B. A copy of the results of any deer study by the Department of Wildlife and Fisheries shall be forwarded to each member of the legislature."

On motion of Senator Marionneaux, the amendments were adopted.

The bill was read by title. Senator Marionneaux moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fields	Kostelka
Amedee	Fontenot	Lentini
Bajoie	Gautreaux, B	Marionneaux
Boissiere	Gautreaux, N	McPherson
Cain	Heitmeier	Michot
Chaisson	Holden	Mount
Cheek	Hollis	Nevers
Cravins	Irons	Romero
Dardenne	Jackson	Theunissen
Dupre	Jones	Ullo

Total—30

#### NAYS

Adley	Ellington	Smith
Barham	Hainkel	
Boasso	Malone	

Total—7

#### ABSENT

Duplessis	Schedler
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Total—2

The Chair declared the amended bill was passed. The title was read and adopted. Senator Marionneaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

#### SENATE BILL NO. 385— BY SENATOR LENTINI

##### AN ACT

To amend R.S. 47:1979, relative to reporting of property owned by Tax Commission members; to provide for a deadline for the reporting; and to provide for related matters.

### Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

#### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 385 by Senator Lentini

#### AMENDMENT NO. 1

On page 1, line 2, following "amend" and before "R. S." insert "and reenact"

#### AMENDMENT NO. 2

On page 1, line 16, following ""all such" and before "to the" change "assessment" to "assessments"

On motion of Senator Lentini, the amendments were adopted.

The bill was read by title. Senator Lentini moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Dupre	Kostelka	

Total—38

#### NAYS

Total—0

#### ABSENT

Duplessis
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Total—1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

#### SENATE BILL NO. 410— BY SENATOR BAJOEIE

##### AN ACT

To amend and reenact R.S. 19:132, 132.1(A), and 132.8, to rename Part III-C of Title 19 of the Louisiana Revised Statutes of 1950, relative to expropriations by the city of New Orleans; to provide for the expropriation of property needed for a street, drainage, water, utility, sewerage, or other capital project prior to judgment in the trial court fixing the amount of compensation due to the owner of the property; to provide for the application of existing expropriation laws; to provide for an effective date; to rename Part III-C of Title 19 of the Louisiana Revised Statutes of 1950, and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 433—**

BY SENATOR THEUNISSEN AND REPRESENTATIVE PIERRE  
AN ACT

To enact R.S. 36:610(J) and Subpart A-1 of Part VII of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:360.1 through 360.3, relative to non-indigenous aquatic species; to create the Louisiana Aquatic Invasive Species Council and the Louisiana Aquatic Invasive Species Advisory Task Force; to provide for their powers, duties, functions, and responsibilities; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Theunissen sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Theunissen to Engrossed Senate Bill No. 433 by Senator Theunissen

**AMENDMENT NO. 1**

On page 4, between lines 22 and 23, insert the following:

“(31) An Oyster Task Force member appointed by the chairman of the Oyster Task Force.”

On motion of Senator Theunissen, the amendments were adopted.

The bill was read by title. Senator Theunissen moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Dupre	Kostelka	
Total—38		

**NAYS**

Total—0

**ABSENT**

Duplessis

Total—1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 434—**

BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 2:903(B), relative to airports; to provide relative to the General Aviation and Reliever Airport Maintenance Grant Program; to authorize the use of Transportation Trust Fund monies; to provide limitations; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lentini sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 434 by Senator Theunissen

**AMENDMENT NO. 1**

On page 1, line 7, following "R. S. 2:903 (B)" and before "hereby" change "are" to "is"

On motion of Senator Lentini, the amendments were adopted.

The bill was read by title. Senator Theunissen moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Heitmeier	Nevers
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Irons	Smith
Cheek	Jackson	Theunissen
Cravins	Jones	Ullo
Dardenne	Kostelka	
Dupre	Lentini	
Total—37		

**NAYS**

Total—0

**ABSENT**

Duplessis

Total—2

Hainkel

The Chair declared the amended bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 596—**  
BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 38:1794(B)(2), relative to the compensation of members of the boards of commissioners of certain consolidated gravity drainage districts; to provide for an increase in the maximum per diem of such members; and to provide for related matters.

The bill was read by title. Senator Nevers moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Ellington	Jones
Adley	Fields	Kostelka
Amedee	Fontenot	Malone
Bajoie	Gautreaux, B	Marionneaux
Barham	Gautreaux, N	McPherson
Cain	Heitmeier	Michot
Chaisson	Holden	Mount
Cheek	Hollis	Nevers
Cravins	Irons	Romero
Dupre	Jackson	Theunissen
Total—30		

NAYS

Boasso	Hainkel	Ullo
Boissiere	Lentini	
Dardenne	Smith	
Total—7		

ABSENT

Duplessis	Schedler
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Nevers moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Personal Privilege**

Senator Barham asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on Senate Bill No. 596. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

**SENATE BILL NO. 692—**

BY SENATORS BARHAM, CHEEK, CRAVINS, JONES, LENTINI AND MARIONNEAUX

AN ACT

To amend and reenact R.S. 14:329.6(E) and to enact Part XII of Chapter 9 of Title 23 of the Louisiana Revised Statutes of 1950 to be comprised of R.S. 23:1017 through 1017.6, relative to

offenses affecting the public; to require employers of first responders to homeland security emergencies to maintain the employment, pay rate levels, pensions, and benefits for those first responders; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lentini sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 692 by Senator Barham

AMENDMENT NO. 1

On page 2, line 2, change "where" to "when"

On motion of Senator Lentini, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Barham sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Barham to Engrossed Senate Bill No. 692 by Senator Barham

AMENDMENT NO. 1

On page 3, at the end of line 11 after "held", delete "or desires"

AMENDMENT NO. 2

On page 3, line 27, after "releases" change "all" to "the" and change "responders" to "responder"

AMENDMENT NO. 3

On page 4, line 5, change "reemployment" to "reinstatement"

AMENDMENT NO. 4

On page 4, line 15, after "functions" delete "and duties"

AMENDMENT NO. 5

On page 4, line 17, before "position" insert "vacant"

AMENDMENT NO. 6

On page 4, line 19, before "position" insert "vacant" and after "functions" delete "and duties"

AMENDMENT NO. 7

On page 4, line 27, after "report" insert "within said seventy-two hours"

AMENDMENT NO. 8

On page 5, line 19, before "benefits" delete "those" and insert in lieu thereof "any retirement or health"

AMENDMENT NO. 9

On page 5, line 21, before "federal" change "the" to "applicable" and on lines 21 and 22, after "laws" delete "governing defined employee benefit plans"

**AMENDMENT NO. 10**

On page 5, line 27, after "However," change "the" to "applicable"

On motion of Senator Barham, the amendments were adopted.

The bill was read by title. Senator Barham moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Dupre	Kostelka	
Total—38		

**NAYS**

Total—0

**ABSENT**

Duplessis  
Total—1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 715—**  
BY SENATOR DUPRE

**AN ACT**

To amend and reenact R.S. 32:407(A)(2)(a) and (3), relative to drivers' licenses of minors; to provide relative to Class "E" learner's and intermediate drivers' licenses; to provide restrictions; to provide for certain authorized persons to be in a vehicle once the driver has obtained an intermediate license during a certain time period; and to provide for related matters.

On motion of Senator Dupre, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 740—**  
BY SENATOR FIELDS

**AN ACT**

To enact R.S. 17:7(13), relative to the duties, functions, and responsibilities of the State Board of Elementary and Secondary Education; to provide with regard to the development of certain curricular elements; to provide with regard to inclusion of certain topics; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lentini sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 740 by Senator Fields

**AMENDMENT NO. 1**

On page 1, line 16, following "Education," and before "as" change "the topic of adoption awareness shall be included" to "include the topic of adoption awareness"

On motion of Senator Lentini, the amendments were adopted.

The bill was read by title. Senator Fields moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Hainkel	Nevers
Boissiere	Heitmeier	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	
Dupre	Lentini	
Total—37		

**NAYS**

Total—0

**ABSENT**

Duplessis  
Total—2  
Kostelka

The Chair declared the amended bill was passed. The title was read and adopted. Senator Fields moved to reconsider the vote by which the bill was passed and laid the motion on the table.



**SENATE BILL NO. 743—**

BY SENATOR THEUNISSEN

**AN ACT**

To amend and reenact R.S. 29:655(D) and the introductory paragraph of 657(A), relative military affairs; to provide certain benefits for Civil Air Patrol members who are injured or killed or become ill during performance of their duties; and to provide for related matters.

The bill was read by title. Senator Theunissen moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Dupre	Jones	Ullo

Total—36

**NAYS**

Total—0

**ABSENT**

Cheek	Duplessis	Kostelka
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Total—3

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Senator Bajoie in the Chair****SENATE BILL NO. 745—**

BY SENATOR NEVERS

**AN ACT**

To amend and reenact R.S. 33:106, relative to the general powers and duties of parish and municipal planning commissions; to change the authority of a parish or municipality planning commission to adopt a master plan from mandatory to permissive; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Nevers sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Nevers to Engrossed Senate Bill No. 745 by Senator Nevers

**AMENDMENT NO. 1**

On page 1, between lines 12 and 13, insert the following:

"Such plan, with the accompanying maps, plats, charts, and descriptive matter shall show a commission's recommendations for the development of the parish or municipality, as the case may be, including, among other things, the general location, character, and extent of railroads, highways, streets, viaducts, subways, bus, street car and other transportation routes, bridges, waterways, lakes, water fronts, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds, and open spaces; the general location of public buildings, schools, and other public property; the general character, extent and layout of public housing and of the replanning of blighted districts and slum areas; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, communication, power, transportation and other purposes; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities, or terminals; as well as, in the case of a parish planning commission, a zoning plan for the control of the height, area, bulk, location, and use of the buildings and premises in urban areas or areas suitable for urbanization outside municipal limits. As the work of making the whole master plan progresses, a commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the parish or municipality, as the case may be, or one or more of the aforesaid or other functional matters to be included in the plan. A commission may from time to time amend, extend, or add to the plan.

Where a municipal planning commission has been established under the authority of this Sub-part, it shall also serve as a municipal zoning commission, and when acting as such, it shall hold separate meetings with separate minutes and records.'

On motion of Senator Nevers, the amendments were adopted.

The bill was read by title. Senator Nevers moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Jackson
Adley	Fields	Jones
Amedee	Gautreaux, N	Kostelka
Chaisson	Heitmeier	Mount
Cheek	Holden	Nevers
Dupre	Hollis	Smith

Total—18

**NAYS**

Barham	Fontenot	Marionneaux
Boasso	Gautreaux, B	McPherson
Boissiere	Hainkel	Michot
Cain	Irons	Schedler

Cravins	Lentini	Theunissen
Dardenne	Malone	Ullo
Total—18		

ABSENT

Bajoie	Duplessis	Romero
Total—3		

The Chair declared the amended bill failed to pass.

### Notice of Reconsideration

Senator Nevers, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

### Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

### Called from the Calendar

Senator Schedler asked that Senate Bill No. 138 be called from the Calendar at this time for its final passage.

#### SENATE BILL NO. 138— BY SENATOR SCHEDLER

AN ACT

To enact R.S. 13:2575.2, relative to administrative adjudication procedures and judicial reviews of code violations in the parish of St. Tammany; to provide additional administrative adjudication procedures in St. Tammany Parish; to provide additional judicial review procedures in St. Tammany Parish; and to provide for related matters.

The bill was read by title. Senator Schedler moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Hainkel	Nevers
Boissiere	Heitmeier	Schedler
Cain	Holden	Smith
Chaisson	Hollis	Theunissen
Cheek	Irons	Ullo
Cravins	Jackson	
Dardenne	Jones	
Total—34		

NAYS

Total—0

ABSENT

Duplessis	Kostelka	Romero
Fontenot	McPherson	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### Called from the Calendar

Senator Mount asked that Senate Bill No. 291 be called from the Calendar at this time for its final passage.

#### SENATE BILL NO. 291— BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 32:5, relative to traffic control at parade events; to provide for the authority of certain parade marshals to direct, control, or regulate traffic at parade events; and to provide for related matters.

### Floor Amendments Sent Up

Senator Heitmeier sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Heitmeier to Engrossed Senate Bill No. 291 by Senator Mount

#### AMENDMENT NO. 1

On page 1, line 3 after "marshals" insert "in Calcasieu Parish"

#### AMENDMENT NO. 2

On page 1, line 15 after "parade" insert "in Calcasieu Parish"

#### AMENDMENT NO. 3

On page 2, line 1 after "office" and before the period ":" insert "in Calcasieu Parish"

On motion of Senator Heitmeier, the amendments were adopted.

The bill was read by title. Senator Mount moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, N	Michot
Barham	Hainkel	Mount

Boissiere	Heitmeier	Nevers
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	
Dupre	Lentini	
Total—34		

NAYS

Total—0

ABSENT

Boasso	Gautreaux, B	Romero
Duplessis	Kostelka	
Total—5		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Mount moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### Senator Fields in the Chair

### House Bills and Joint Resolutions on Third Reading and Final Passage

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

### Rules Suspended

Senator Hines asked for and obtained a suspension of the rules for the purpose of taking up House Bill No. 1426 out of its regular order.

### HOUSE BILL NO. 1426—

BY REPRESENTATIVE SALTER AND SENATOR HINES  
AN ACT

To amend and reenact R.S. 37:1701, 2366, and 2367 and to enact Part II of Chapter 28 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:2371 through 2378, relative to medical psychologists; to authorize medical psychologists to prescribe drugs and to provide for the duties of a medical psychologist; to allow a medical psychologist to give directions to certain other health care providers; to establish the qualifications for medical psychologists and the requirements for certification; to provide for renewal of the certificate; to prohibit issuance of a prescription by a psychologist who is not a medical psychologist certified to prescribe; to provide a penalty for violations; to provide for prescribing practices; to provide for controlled substance prescriptive authority; to provide for coordination with the Louisiana Board of Pharmacy; to provide for designation of existing law; to provide for the effective date; and to provide for related matters.

### Floor Amendments Sent Up

Senator Hines sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Conforming Amendments proposed by Senator Hines to Reengrossed House Bill No. 1426 by Representative Salter (Duplicate of Senate Bill No. 754)

#### AMENDMENT NO. 1

Delete Senate Floor Conforming Amendments proposed by Senator Hines (SFAHB1426 TYLERTOM1) and adopted by the Senate on April 20, 2004.

#### AMENDMENT NO. 2

On page 1, line 5, between "psychologist" and the semicolon ";", insert the following: "to provide for definitions; to provide for the duties of medical psychologists;"

#### AMENDMENT NO. 3

On page 2, line 12, before "Notwithstanding" insert "A."

#### AMENDMENT NO. 4

On page 2, between lines 21 and 22, insert the following:

"B. In addition to the provisions of Subsection A of this Section, a medical psychologist under the provisions of Part II of this Chapter may direct a registered nurse or a licensed practical nurse to administer drugs or to perform such functions as are directly related to the drug or to the decision to continue or discontinue the order of the drug. The licensed registered nurse or licensed practical nurse shall execute such directions."

#### AMENDMENT NO. 5

On page 3, line 3, change "the term "drug" as defined" to "set forth"

#### AMENDMENT NO. 6

On page 3, delete line 6 in its entirety and insert in lieu thereof the following: "disorders as set forth in R.S. 37:2352(5)."

(a) "Narcotics", as used in this Part, are defined as natural and"

#### AMENDMENT NO. 7

On page 3, line 7, after "pain." delete the remainder of the line and insert the following: "(b) Nothing in Part II of this"

#### AMENDMENT NO. 8

On page 3, line 8, change "to permit" to "as permitting"

#### AMENDMENT NO. 9

On page 3, line 8, between "psychologist" and "to administer" insert the following: "licensed under this Chapter"

#### AMENDMENT NO. 10

On page 3, line 9, change "a" to "any"

#### AMENDMENT NO. 11

On page 3, delete line 12 in its entirety and insert in lieu thereof the following: "proficiency examination in psychopharmacology and has passed a national proficiency examination in psychopharmacology approved by the board and who"

#### AMENDMENT NO. 12

On page 3, line 13, delete "current"

#### AMENDMENT NO. 13

On page 3, line 27, change "provisions" to "provision"

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## 12th DAY'S PROCEEDINGS

### AMENDMENT NO. 14

On page 4, line 15, change "graduated with" to "obtained or completed"

### AMENDMENT NO. 15

On page 4, line 17, delete "to the post doctoral master's degree as approved" to "as provided"

### AMENDMENT NO. 16

On page 4, line 19, immediately after "medicine/pathophysiology" insert a comma ','

### AMENDMENT NO. 17

On page 4, delete lines 25 and 26 in their entirety and insert in lieu thereof the following: "B. Each medical psychologist applying for renewal of the certificate of prescriptive authority shall present satisfactory evidence"

### AMENDMENT NO. 18

On page 4, line 29, between "disorders" and the period "." insert the following: "prior to the date of renewal"

### AMENDMENT NO. 19

On page 5, line 2, change "801 - 803." to "801 and 802."

### AMENDMENT NO. 20

On page 5, line 11, change "C.(1)" to "C."

### AMENDMENT NO. 21

On page 5, delete lines 14 through 16 in their entirety and insert in lieu thereof the following: "psychologists and the physician shall document the"

### AMENDMENT NO. 22

On page 5, delete lines 18 and 19 in their entirety.

### AMENDMENT NO. 23

On page 6, below line 20, add the following:

"Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Senator Hines, the amendments were adopted.

### **Floor Amendments Sent Up**

Senator Hines sent up floor amendments which were read.

### **SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Hines to Reengrossed House Bill No. 1426 by Representative Salter

### AMENDMENT NO. 1

Delete Conforming Senate Floor Amendments (SFAHB1426 TYLERTOM1) proposed by Senator Hines and adopted by the Senate on April 20, 2004.

### AMENDMENT NO. 2

Delete Conforming Senate Floor Amendments (SFAHB1426 TYLERTOM2) proposed by Senator Hines and adopted by the Senate on April 21, 2004.

### AMENDMENT NO. 3

On page 1, line 2, change "1701, 2366, and 2367" to "1701 and 2366"

### AMENDMENT NO. 4

On page 1, line 15, change "1701, 2366, and 2367" to "1701 and 2366"

### AMENDMENT NO. 5

On page 2, delete lines 11 through 21 in their entirety

### AMENDMENT NO. 6

On page 5, line 16, between "psychologist" and "shall" insert "and the physician"

On motion of Senator Hines, the amendments were adopted.

The bill was read by title. Senator Hines moved final passage of the amended bill.

### **ROLL CALL**

The roll was called with the following result:

#### YEAS

Mr. President	Fields	Marionneaux
Amedee	Fontenot	McPherson
Boissiere	Gautreaux, B	Michot
Cain	Gautreaux, N	Nevers
Chaisson	Heitmeier	Schedler
Cravins	Jones	Smith
Dupre	Kostelka	Ullo
Total—21		

#### NAYS

Adley	Ellington	Lentini
Bajoie	Hainkel	Malone
Barham	Holden	Mount
Boasso	Hollis	Theunissen
Cheek	Irons	
Dardenne	Jackson	
Total—16		

#### ABSENT

Duplessis	Romero
Total—2	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Hines moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 1140 (Duplicate of Senate Bill No. 674)—**  
 BY REPRESENTATIVE DURAND AND SENATOR HINES  
 AN ACT

To enact R.S. 37:1360.31(B)(8), relative to physician assistants; to provide for prescriptive authority under certain circumstances; and to provide for related matters.

The bill was read by title. Senator Hines moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dardenne	Irons
Adley	Dupre	Jackson
Amedee	Ellington	Kostelka
Bajoie	Fields	Marionneaux
Boasso	Fontenot	McPherson
Boissiere	Gautreaux, B	Nevers
Cain	Gautreaux, N	Schedler
Chaisson	Heitmeier	Smith
Cheek	Holden	Ullo
Cravins	Hollis	
Total—29		

**NAYS**

Barham	Malone	Theunissen
Hainkel	Michot	
Lentini	Mount	
Total—7		

**ABSENT**

Duplessis	Jones	Romero
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Hines moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Personal Privilege**

Senator Jones asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on House Bill No. 1140. He had intended to vote yea on the bill. He asked that the Official Journal so state.

**Rules Suspended**

Senator Hines asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**HEALTH AND WELFARE**

Senator McPherson, Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

April 21, 2004

To the President and Members of the Senate:

I am directed by your Committee on Health and Welfare to submit the following report:

**SENATE CONCURRENT RESOLUTION NO. 16—**  
 BY SENATOR DARDENNE

**A CONCURRENT RESOLUTION**

To urge and request judges who sentence juveniles to the custody of the office of youth development to require immunization for Hepatitis B as a condition of sentencing.

Reported favorably.

**SENATE CONCURRENT RESOLUTION NO. 46—**  
 BY SENATOR MCPHERSON

**A CONCURRENT RESOLUTION**

To create the Louisiana Task Force on Electronic Medical Records to study electronic prescribing and electronic medical records to improve the quality and safety of health care in this state.

Reported with amendments.

**SENATE CONCURRENT RESOLUTION NO. 59—**  
 BY SENATOR MCPHERSON

**A CONCURRENT RESOLUTION**

To direct the Department of Health and Hospitals to investigate, study, and develop a plan or strategy to expedite intra-departmental information sharing designed to result in improvement of data collection processes, program evaluation, coordination of client services, and to avoid duplication of efforts.

Reported favorably.

**SENATE BILL NO. 58—**  
 BY SENATOR BARHAM

**AN ACT**

To enact R.S. 40:2010.8(A)(23) and 2010.10, relative to nursing homes; to add to the residents' bill of rights the right to have a copy of the most recent Department of Health and Hospitals annual licensing survey results provided by the facility; to require that the most recent Department of Health and Hospitals annual licensing survey results be provided to all residents, potential residents, and their sponsors; to provide procedure in the case of failure to make such a document available; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 79—**  
 BY SENATOR DUPRE

**AN ACT**

To amend and reenact R.S. 40:5.5(E)(1), relative to food safety; to provide with respect to the definition of a "food service establishment"; to provide that the definition shall not include

food for which no charge is made; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 219—**  
BY SENATOR DARLENNE

AN ACT

To enact R.S. 46:977 and 1906(C), relative to the immunization of certain juveniles; to provide with respect to the Hepatitis B vaccine for juveniles in state custody; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 241—**  
BY SENATOR IRONS

AN ACT

To enact R.S. 46:1409.1, relative to certain licensed child care facilities; to provide for the development of a written safe sleep policy; to provide for posting of the written policy; to provide for training; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 392—**  
BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 40:2116(B)(1) and (D) and to enact R.S. 40:2116(H), relative to the facility need review process; to provide with respect to the facility need review process; to provide with respect to beds in adult residential centers; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 442—**  
BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 33:1560 and the introductory paragraph of R.S. 40:34(B)(2)(r), relative to medical certifications; to require that medical certificates indicating cause of death be signed by physicians; to provide for the appointment and compensation of certain physicians; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 484—**  
BY SENATOR HINES

AN ACT

To enact Chapter 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2801 through 2803, relative to the Louisiana Interagency Task Force on the Future of Family Medicine; to provide for creation of the task force; to provide for definitions; to provide for the composition of the task force; to provide for duties and powers of the task force; to provide for reporting deadlines and a termination date for the task force; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 492—**  
BY SENATOR SCHEDLER

AN ACT

To enact R.S. 40:2009.24, relative to nursing homes; to provide for the creation of the Nursing Home Quality and Efficiency Board; to provide for membership of the board; to provide for the functions and duties of the board; to provide for rule making by the Department of Health and Hospitals; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 495—**  
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 40:2115.15(B), relative to public hearings; to provide for locations of hearings; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 711—**  
BY SENATOR MCPHERSON

AN ACT

To enact R.S. 40:2009.22, relative to Medicaid nursing home beds being dually certified; to provide for nursing home operators to be required to dually certify beds that are certified for Medicaid reimbursement; to provide for a permissive grace period; to provide for penalties for failure to dually certify; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
JOE MCPHERSON  
Chairman

**REPORT OF COMMITTEE ON**  
**INSURANCE**

Senator Cain, Chairman on behalf of the Committee on Insurance, submitted the following report:

April 21, 2004

To the President and Members of the Senate:

I am directed by your Committee on Insurance to submit the following report:

**SENATE BILL NO. 540—**  
BY SENATOR CAIN

AN ACT

To amend and reenact R.S. 22:691.2(A), relative to standard fire policy; to provide for coverage for peril of fire; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 178—**  
BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 22:614.1, relative to statutory life insurance beneficiaries; to provide certain procedures and conditions; to authorize actions by certain entities; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
JAMES DAVID CAIN  
Chairman

**Rules Suspended**

Senator Mount asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 704 from the Committee on Judiciary A.

**SENATE BILL NO. 704—**  
BY SENATOR MOUNT

AN ACT

To enact Part III of Chapter 28 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2145 through 2149, relative to child custody; to provide relative to supervised visitation and exchange centers; to provide for funding; to provide for allocation of grants; to provide for definitions; to establish guidelines and standards for such centers; and to provide for related matters.

On motion of Senator Mount, the bill was read by title and withdrawn from the files of the Senate.

**Rules Suspended**

Senator Ellington asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 514 from the Committee on Transportation, Highways, and Public Works.

**SENATE BILL NO. 514—**  
BY SENATOR ELLINGTON

AN ACT

To enact R.S. 32:1311(D)(3), relative to vehicle inspections; to provide for exemptions from inspection requirements; and to provide for related matters.

On motion of Senator Ellington, the bill was read by title and withdrawn from the files of the Senate.

**Rules Suspended**

Senator Ellington asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 516 from the Committee on Transportation, Highways, and Public Works.

**SENATE BILL NO. 516—**  
BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 32:1311(D)(2)(a), relative to vehicle inspections; to provide for exemptions from inspection requirements; and to provide for related matters.

On motion of Senator Ellington, the bill was read by title and withdrawn from the files of the Senate.

**Motion to Recommit**

Senator Michot asked for and obtained a suspension of the rules and recommitted House Bill No. 401 from the Committee on Judiciary A to the Committee on Commerce, Consumer Protection and International Affairs.

**Rules Suspended**

Senator Ullo asked for and obtained a suspension of the rules for the purpose of taking up at this time.

**Senate Bills and Joint Resolutions on  
Third Reading and Final Passage,  
Subject to Call**

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

**Called from the Calendar**

Senator Ullo asked that Senate Bill No. 659 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 659—**  
BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 14:2(13)(m), the introductory paragraph of R.S. 14:43.2(A) and (C), 78.1(B)(1), 107.2(A), R.S. 46:1844(W)(2), Code of Criminal Procedure Arts. 571.1 and 893.3(E)(1)(b), Code of Evidence Art. 412.1, relative to sexual battery; to rename the offense of aggravated sexual battery to second degree sexual battery; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lentini sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 659 by Senator Ullo

**AMENDMENT NO. 1**

On page 3, line 6 following "aggravated" and before ";" change "kidnaping" to "kidnapping"

**AMENDMENT NO. 2**

On page 3, line 23 following "(R. S. 14:43.3)," delete "aggravated" and on line 24 delete "oral sexual battery (R. S. 14:43.4),"

**AMENDMENT NO. 3**

On page 3, line 26 following "14:78.1)," and before "carnal" insert "felony"

**AMENDMENT NO. 4**

On page 4, line 9 following "14:43.3)," delete "aggravated oral sexual battery (R. S. 14:43.4),"

**AMENDMENT NO. 5**

On page 4, line 9 before "carnal" insert "felony"

On motion of Senator Lentini, the amendments were adopted.

The bill was read by title. Senator Ullo moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Heitmeier	Mount
Cain	Holden	Nevers
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Dupre	Kostelka	
Total—35		

**NAYS**

Total—0

**ABSENT**

Mr. President	Hainkel
Duplessis	Romero
Total—4	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Called from the Calendar**

Senator Ullo asked that Senate Bill No. 444 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 444—**  
BY SENATOR ULLO

**AN ACT**

To amend and reenact R.S. 14:2(13)(kk) and 64.4, relative to robbery; to rename the offense of aggravated robbery to second degree robbery; and to provide for related matters.

The bill was read by title. Senator Ullo moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Heitmeier	Mount
Cain	Holden	Nevers
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Dupre	Kostelka	
Total—35		

**NAYS**

Total—0

**ABSENT**

Mr. President	Hainkel
Duplessis	Romero
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Called from the Calendar**

Senator Ullo asked that Senate Bill No. 438 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 438—**  
BY SENATOR ULLO

**AN ACT**

To amend and reenact R.S. 14:67.10(B)(2), relative to theft of goods; to increase the threshold value of misappropriated goods for the purpose of meeting felony status; and to provide for related matters.

The bill was read by title. Senator Ullo moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, N	McPherson
Boasso	Hainkel	Michot
Boissiere	Heitmeier	Mount



Cain	Holden	Nevers
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Dupre	Kostelka	
Total—35		

NAYS

Total—0

ABSENT

Mr. President	Gautreaux, B
Duplessis	Romero
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Called from the Calendar**

Senator Ullo asked that Senate Bill No. 439 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 439—**  
BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 14:78.1 (C), relative to aggravated incest; to provide that consent is not a defense to aggravated incest; and to provide for related matters.

The bill was read by title. Senator Ullo moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley	Ellington	Kostelka
Amedee	Fields	Lentini
Bajoie	Fontenot	Malone
Barham	Gautreaux, B	Marionneaux
Boasso	Gautreaux, N	McPherson
Boissiere	Hainkel	Michot
Cain	Heitmeier	Mount
Chaisson	Holden	Nevers
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Dupre	Jones	Ullo
Total—36		

NAYS

Total—0

ABSENT

Mr. President	Duplessis	Romero
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Called from the Calendar**

Senator Ullo asked that Senate Bill No. 441 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 441—**  
BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 14:30(A)(7), relative to first degree murder; to provide for intent to inflict great bodily harm while engaged in ritualistic acts; and to provide for related matters.

The bill was read by title. Senator Ullo moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	
Dupre	Kostelka	
Total—37		

NAYS

Total—0

ABSENT

Duplessis	Romero
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Called from the Calendar**

Senator Ullo asked that Senate Bill No. 443 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 443—**  
BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 14:32.6 relative to first degree feticide; to provide for assault by drive by shooting and second degree kidnaping in the crime of first degree feticide; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lentini sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 443 by Senator Ullo

**AMENDMENT NO. 1**

On page 1, line 3 before "shooting" change "drive by" to "drive-by" and following "degree" and before "in" change "kidnaping" to "kidnapping"

**AMENDMENT NO. 2**

On page 1, line 13 following "burglary, aggravated" and before ",," change "kidnaping" to "kidnapping"

**AMENDMENT NO. 3**

On page 1, line 14 following "by" and before "shooting" change "drive by" to "drive-by" and following "degree" change "kidnaping" to "kidnapping"

On motion of Senator Lentini, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Ullo sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Ullo to Engrossed Senate Bill No. 443 by Senator Ullo

**AMENDMENT NO. 1**

On page 1, line 13, between "aggravated kidnaping," and "aggravated escape" insert "**second degree kidnapping, assault by drive-by shooting,**"

**AMENDMENT NO. 2**

On page 1, line 14, delete "**assault by drive by shooting, second degree kidnapping,**"

On motion of Senator Ullo, the amendments were adopted.

The bill was read by title. Senator Ullo moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President

Adley

Amedee

Barham

Boasso

Boissiere

Cain

Chaisson

Cheek

Cravins

Dardenne

Dupre

Total—36

Ellington

Fields

Fontenot

Gautreaux, B

Gautreaux, N

Hainkel

Heitmeier

Holden

Hollis

Irons

Jackson

Jones

NAYS

Total—0

ABSENT

Bajoie

Total—3

Duplessis

Romero

The Chair declared the amended bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Called from the Calendar**

Senator Ullo asked that Senate Bill No. 277 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 277—**  
BY SENATOR ULLO

AN ACT

To enact R.S. 14:32.2, relative to offenses against the person; to create the crime of vehicular manslaughter; to provide for definitions; to provide for penalties; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lentini sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 277 by Senator Ullo

**AMENDMENT NO. 1**

On page 1, line 13 following "14:12" and before "at" insert ",,"

On motion of Senator Lentini, the amendments were adopted.

On motion of Senator Ullo, the amended bill was read by title and returned to the Calendar, subject to call.

**Senator Bajoie in the Chair**

**Called from the Calendar**

Senator Jackson asked that Senate Bill No. 690 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 690—**

BY SENATORS HINES, JACKSON, BAOJIE, N. GAUTREAUX,  
MCPHERSON AND SCHEDLER

**AN ACT**

To enact Part LXI of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.222 through 1300.227, relative to federally qualified health centers and rural health clinics; to authorize the Department of Health and Hospitals to develop and implement a long-term plan to encourage expansion and development of federally qualified health centers and rural health clinics; to provide findings; to provide definitions; to provide for reports to the legislature; to provide for rules and regulations; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lentini sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 690 by Senator Hines

**AMENDMENT NO. 1**

On page 3, line 16, following "report" and before "the" insert "to"

On motion of Senator Lentini, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Jackson sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Hines to Engrossed Senate Bill No. 690 by Senator Hines

**AMENDMENT NO. 1**

On page 1, line 2, after "To" insert "amend and reenact R.S. 40:1300.133(3) and R.S. 40:2197(D) and to"

**AMENDMENT NO. 2**

On page 1, line 10, after "Section 1." insert "R.S. 40:1300.133(3) and R.S. 40:2197(D) are hereby amended and reenacted and"

**AMENDMENT NO. 3**

On page 1, between lines 11 and 12, insert the following:

"§1300.133. Definitions

As used in this Part:

\* \* \*

(3) "FQHC" means ~~an entity which receives a grant as defined in Section 254c of Title 42 of the United States Code, any migrant health center as defined in Section 254b of Title 42 of the United States Code, and any CHC which meets all of the following criteria: provides primary care services at no cost to the recipient, and is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), or Section 340 of the Public Health Service Act.~~ a facility which is engaged in furnishing primary health services to outpatients by

physicians, physician assistants or nurse practitioners, including but not limited to health services related to family medicine, internal medicine, pediatrics, obstetrics, and gynecology and such services and supplies incident thereto. Such facility shall serve a medically underserved population, meaning the population of an urban or rural area designated by the secretary of the Department of Health and Human Services as an area with a shortage of personal health services or a population group designated by the secretary as having a shortage of such services, such as migratory and seasonal agricultural workers, the homeless, residents of public housing, or students and other family members of students of a particular school or schools. Such a facility shall have been designated as a federally qualified health center by the secretary of the Department of Health and Human Services and shall be receiving grants and/or loans as may be granted by the secretary under 42 U.S.C. 254b.

\* \* \*

**PART XI-A. RURAL HEALTH CLINICS, LICENSURE**

§2197. Licensure of rural health clinics

\* \* \*

D. For purposes of this Part, a "rural health clinic" means ~~an outpatient primary care clinic seeking or possessing certification by the Health Care Financing Administration as a rural health clinic which provides diagnosis and treatment to the public by a qualified midlevel practitioner and a licensed physician. The clinic shall be located in an area which is a non-metropolitan statistical area, as defined by the federal Office of Management and Budget and the Census Bureau population and housing unit counts, and which has a shortage of physicians and other healthcare providers as determined by the Department of Health and Hospitals. For purposes of this Part, a "midlevel practitioner" means a certified nurse-midwife, a certified nurse practitioner, or a physician assistant.~~ a facility which is engaged in furnishing primary health services to outpatients by physicians, physician assistants or nurse practitioners, including but not limited to health services related to family medicine, internal medicine, pediatrics, obstetrics, and gynecology and such services and supplies incident thereto. Such facility shall be located in an area that is not an urbanized area, as defined by the Bureau of the Census, in which there are insufficient numbers of needed health care practitioners, as determined by the secretary of the Department of Health and Human Services, and which has been determined to be a rural health clinic by the secretary of said department under 42 U.S.C. 1395aa(a).

\* \* \*

**AMENDMENT NO. 4**

On page 2, delete lines 19 through 29 and on page 3, lines 1 and 2 and insert the following:

"B. "Federally Qualified health center" means a facility which is engaged in furnishing primary health services to outpatients by physicians, physician assistants or nurse practitioners, including but not limited to health services related to family medicine, internal medicine, pediatrics, obstetrics, and gynecology and such services and supplies incident thereto. Such facility shall serve a medically underserved population, meaning the population of an urban or rural area designated by the secretary of the Department of Health and Human Services as an area with a shortage of personal health services or a population group designated by the secretary as having a shortage of such services, such as migratory and seasonal agricultural

workers, the homeless, residents of public housing, or students and other family members of students of a particular school or schools. Such a facility shall have been designated as a federally qualified health center by the secretary of the Department of Health and Human Services and shall be receiving grants and/or loans as may be granted by the secretary under 42 U.S.C. 254b.

C. "Rural health clinic" means a facility which is engaged in furnishing primary health services to outpatients by physicians, physician assistants or nurse practitioners, including but not limited to health services related to family medicine, internal medicine, pediatrics, obstetrics, and gynecology and such services and supplies incident thereto. Such facility shall be located in an area that is not an urbanized area, as defined by the Bureau of the Census, in which there are insufficient numbers of needed health care practitioners, as determined by the secretary of the Department of Health and Human Services, and which has been determined to be a rural health clinic by the secretary of said department under 42 U.S.C. 1395aa(a)."

On motion of Senator Jackson, the amendments were adopted.

## Floor Amendments Sent Up

Senator Jackson sent up floor amendments which were read.

## SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jackson to Engrossed Senate Bill No. 690 by Senator Hines

### AMENDMENT NO. 1

On page 3, line 9, after "Health Association" insert ", Louisiana Public Health Institute,"

On motion of Senator Jackson, the amendments were adopted.

The bill was read by title. Senator Jackson moved final passage of the amended bill.

## ROLL CALL

The roll was called with the following result:

### YEAS

Adley	Fields	Lentini
Amedee	Fontenot	Malone
Barham	Gautreaux, B	Marionneaux
Boasso	Gautreaux, N	McPherson
Boissiere	Hainkel	Michot
Cain	Heitmeier	Mount
Chaisson	Holden	Nevers
Cheek	Hollis	Schedler
Dardenne	Irons	Smith
Dupre	Jackson	Theunissen
Ellington	Kostelka	Ullo
Total—33		

### NAYS

Total—0

### ABSENT

Mr. President	Cravins	Jones
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Bajoie  
Total—6

Duplessis

Romero

The Chair declared the amended bill was passed. The title was read and adopted. Senator Jackson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

## Rules Suspended

Senator Ellington asked for and obtained a suspension of the rules for the purpose of taking up at this time.

## Messages from the House

The following Messages from the House were received and read as follows:

## Message from the House

### ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 21, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

### HOUSE BILL NO. 1197—

BY REPRESENTATIVES BAYLOR AND K. CARTER

#### AN ACT

To amend and reenact R.S. 25:341(D), (E), (F), and (G), 342(A)(1) and (B)(2), and 343, and R.S. 36:207(A)(1) and (2), 208(C), and 909 and to enact R.S. 25:341(H), relative to the Louisiana State Museum; to change the appointment process of certain members of the museum's board of directors and the museum's professional director; to provide for the director's salary; to provide relative to board meetings; and to provide for related matters.

### HOUSE BILL NO. 1306—

BY REPRESENTATIVES SCHNEIDER AND MONTGOMERY

#### AN ACT

To amend and reenact R.S. 11:2178.1(C)(9)(a), relative to the Deferred Retirement Option Plan and the Back-Deferred Retirement Option Plan of the Sheriffs' Pension and Relief Fund; to provide for interest on balances in plan accounts; to provide an effective date; and to provide for related matters.

### HOUSE BILL NO. 1330—

BY REPRESENTATIVE JOHN SMITH

#### AN ACT

To enact R.S. 33:1429.1, relative to law enforcement; to authorize certain sheriffs to engage in cooperative endeavors with other law enforcement agencies within the parish for law enforcement purposes, including providing funds to other law enforcement agencies in the parish; to provide limitations; and to provide for related matters.

**HOUSE BILL NO. 1369—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 23:76(A), (B), (C)(1), (4), (5), and (6) and to enact R.S. 23:76(C)(2)(g) and (h), relative to occupational forecasting; to provide for Occupational Forecasting Conference; to provide for information on occupational projections; to provide for additional principals to the conference; to provide for evaluation of labor market data; to provide for voting approval; to provide for a final report; and to provide for related matters.

**HOUSE BILL NO. 64—**

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 34:2101(A)(introductory paragraph), 2102(B), and 2103(introductory paragraph), relative to the West Calcasieu Port, Harbor, and Terminal District; to provide relative to the name of the district; and to provide for related matters.

**HOUSE BILL NO. 107—**

BY REPRESENTATIVE HUTTER

AN ACT

To amend and reenact R.S. 34:1(B)(3), relative to the Port of New Orleans; to provide relative to nominations for membership on the board of commissioners of the Port of New Orleans; and to provide for related matters.

**HOUSE BILL NO. 120—**

BY REPRESENTATIVE WALKER

AN ACT

To amend and reenact R.S. 51:411, relative to false advertising; to enhance the penalties for false advertising; and to provide for related matters.

**HOUSE BILL NO. 169—**

BY REPRESENTATIVE FAUCHEUX

AN ACT

To amend and reenact Code of Civil Procedure Article 1235.1, relative to service of process on persons; to provide procedures for service on incarcerated persons; and to provide for related matters.

**HOUSE BILL NO. 471—**

BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 47:2110(A)(2)(a), relative to the ad valorem tax; to provide for the timely payment of taxes paid under protest; and to provide for related matters.

**HOUSE BILL NO. 677—**

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 13:3049(B)(2)(a) and (e) and Code of Civil Procedure Article 1734.1(A), relative to civil jury trials; to provide for the expenses related to jury trials; to provide for the payment of jurors; to provide for the cash deposit; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions  
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

**HOUSE BILL NO. 64—**

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 34:2101(A)(introductory paragraph), 2102(B), and 2103(introductory paragraph), relative to the West Calcasieu Port, Harbor, and Terminal District; to provide relative to the name of the district; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 107—**

BY REPRESENTATIVE HUTTER

AN ACT

To amend and reenact R.S. 34:1(B)(3), relative to the Port of New Orleans; to provide relative to nominations for membership on the board of commissioners of the Port of New Orleans; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 120—**

BY REPRESENTATIVE WALKER

AN ACT

To amend and reenact R.S. 51:411, relative to false advertising; to enhance the penalties for false advertising; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 169—**

BY REPRESENTATIVE FAUCHEUX

AN ACT

To amend and reenact Code of Civil Procedure Article 1235.1, relative to service of process on persons; to provide procedures for service on incarcerated persons; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 471—**

BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 47:2110(A)(2)(i), relative to the ad valorem tax; to provide for the timely payment of taxes paid under protest; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 677—**

BY REPRESENTATIVE JOHNS

**AN ACT**

To amend and reenact R.S. 13:3049(B)(2)(a) and (e) and Code of Civil Procedure Article 1734.1(A), relative to civil jury trials; to provide for the expenses related to jury trials; to provide for the payment of jurors; to provide for the cash deposit; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1197—**

BY REPRESENTATIVES BAYLOR AND K. CARTER

**AN ACT**

To amend and reenact R.S. 25:341(D), (E), (F), and (G), 342(A)(1) and (B)(2), and 343, and R.S. 36:207(A)(1) and (2), 208(C), and 909 and to enact R.S. 25:341(H), relative to the Louisiana State Museum; to change the appointment process of certain members of the museum's board of directors and the museum's professional director; to provide for the director's salary; to provide relative to board meetings; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1306—**

BY REPRESENTATIVES SCHNEIDER AND MONTGOMERY

**AN ACT**

To amend and reenact R.S. 11:2178.1(C)(9)(a), relative to the Deferred Retirement Option Plan and the Back-Deferred Retirement Option Plan of the Sheriffs' Pension and Relief Fund; to provide for interest on balances in plan accounts; to provide an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1330—**

BY REPRESENTATIVE JOHN SMITH

**AN ACT**

To enact R.S. 33:1429.1, relative to law enforcement; to authorize certain sheriffs to engage in cooperative endeavors with other law enforcement agencies within the parish for law enforcement purposes, including providing funds to other law enforcement agencies in the parish; to provide limitations; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1369—**

BY REPRESENTATIVE PINAC

**AN ACT**

To amend and reenact R.S. 23:76(A), (B), (C)(1), (4), (5), and (6) and to enact R.S. 23:76(C)(2)(g) and (h), relative to occupational forecasting; to provide for Occupational Forecasting Conference; to provide for information on occupational projections; to provide for additional principals to the conference; to provide for evaluation of labor market data; to provide for voting approval; to provide for a final report; and to provide for related matters.

The bill was read by title; lies over under the rules.

**Privilege Report of the Committee on  
Senate and Governmental Affairs**

**ENROLLMENTS**

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 21, 2004

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolutions have been properly enrolled:

**SENATE CONCURRENT RESOLUTION NO. 67—**

BY SENATOR ELLINGTON AND REPRESENTATIVES R. CARTER AND MCVEA

**A CONCURRENT RESOLUTION**

To commend Al Lemoine, principal at West Feliciana Middle School, on being honored with the Louisiana Middle School Association Award of Excellence.

**SENATE CONCURRENT RESOLUTION NO. 68—**

BY SENATOR ELLINGTON AND REPRESENTATIVES R. CARTER AND MCVEA

**A CONCURRENT RESOLUTION**

To commend Jean Woodside upon her selection as Louisiana Teacher of the Year for 2004, and for her dedicated service to the students of West Feliciana Parish.

**SENATE CONCURRENT RESOLUTION NO. 69—**

BY SENATORS N. GAUTREAUX, ADLEY, AMEDEE, BAJOE, BARHAM, BOASSO, BOISSIERE, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, IRONS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAU, MCPHERSON, MICHOT, MOUNT, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVE FRITH

**A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Sergeant Toby Wayne Mallet.

**SENATE CONCURRENT RESOLUTION NO. 70—**

BY SENATOR N. GAUTREAUX AND REPRESENTATIVE FRITH

**A CONCURRENT RESOLUTION**

To express sincere condolences on the death of Kevin Suire and to recognize him at the "Le Jour de Cajun".

**SENATE CONCURRENT RESOLUTION NO. 71—**

BY SENATOR IRONS

**A CONCURRENT RESOLUTION**

To proclaim May 5, 2004 as "Sex has Consequences" National Teen Pregnancy Day.

**SENATE CONCURRENT RESOLUTION NO. 73—**

BY SENATOR N. GAUTREAUX AND REPRESENTATIVES FRITH, HEBERT AND TRAHAN

**A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Mr. Euda Delcambre.

Respectfully submitted,  
CHARLES D. JONES  
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Duplessis            1 Day

**Adjournment**

Senator Fields moved that the Senate adjourn until Thursday, April 22, 2004, at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Thursday, April 22, 2004.

GLENN A. KOEPP  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk

